

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 43 OF 2025

1. Sandip V. Nale
2. Santyawan A. Nale ...Applicants
 V/s.
The State of Maharashtra ...Respondent.

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Mr. Nagesh S. Khedkar a/w. Mr. Abhishek Nagode, Adv. Sampada Patil i/b Mr. Aadesh Kale for the Applicant.
Mr. T.G. Khan, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 25.03.2025.

P.C. :

1. The applicants are the accused in Crime No. 344 of 2024 registered by Akulj Police Station, Solapur for the offences punishable under Sections 354, 354-A, 354-D, 506 and 507 read with 34 of the Indian Penal Code.

2. The trial Court by order dated 1.7.2024 while releasing the applicants on bail, has *inter alia* imposed the following condition:

"6. They shall not enter village Nevare except with prior express permission of this Court till conclusion of the trial."

3. The said condition was challenged before the Sessions Court and by order dated 13.11.2024, the Sessions Court while partly allowing the application filed by the present applicants has modified the condition in question. The operative order passed by the Session Court read thus:

"1) The application is partly allowed.
2) The condition No.6 from order dated 01/07/2024

passed in C.R. No. 344/2024 by the learned learned Judicial Magistrate First Class, Malshiras is hereby modified as under:

"They shall not enter village Nevare except with prior permission of the learned Judicial Magistrate First Class, Malshiras for the period of two years from 01/07/2024."

3) *Remaining prayer from application is hereby rejected.*

4) *Present order be communicated to concern police station"*

4. Learned counsel for the applicant submits that the victim is not residing in the village Nevare. It is submitted that the parents of the applicants are dependent upon them. It is thus submitted that the condition in-question be relaxed.

5. On the other hand, learned APP submits that the Sessions Court has already modified the condition and directed the applicants not to enter the village Nevare for the period of 2 years only. It is submitted that considering the said fact the present application may not be entertained. Learned APP, however, on instructions has not disputed the fact that the victim is presently not residing at village Nevare. In that view of the matter, I am inclined to relax the condition in-question. Accordingly, the condition that *"the applicants shall not enter into limits of village Nevare" is hereby relaxed"*. The applicants shall not contact the victim.

6. The Application is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]