



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APPLN) NO.02 OF 2025

STATE OF MAHARASHTRA

Vrs.

ALPESH KUWARLAL PATLE

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. T. H. Khan, APP for applicant-State.
Shri T. M. Zaheer, Advocate for Non-applicant.

CORAM: RAJNISH R. VYAS, J.

DATE : 25/09/2025.

1. This is an application for cancellation of bail preferred by the State.

2. Ms. Khan, learned APP has brought my attention to the order dated 27/03/2024 passed in Criminal Application (BA) No.153/2024, more particularly, Clause (iii) of the operative order which is reproduced as under :

“(iii) The applicant shall not enter into the vicinity of Boda Taluka Tiroda, District Gondia, till the culmination of the trial.”

3. According to the aforesaid condition, the applicant was directed not to enter into the vicinity of Boda, Taluka Tiroda, Dist. Gondia, till the culmination of trial.

4. While granting bail in the aforesaid matter, the Court had taken into consideration the fact that the

offence is under Section 302 of the Indian Penal Code and the condition was put that the applicant should not enter into the village Boda where the complainant was residing. First Information Report clearly shows that the complainant was residing at Boda, Taluka Tiroda, Dawaniwada.

5. Learned APP has also invited my attention to the certificates issued by the Police Patil, Boda as well as the Sarpanch, Gram Panchayat, Boda and various witnesses including the witnesses by name Puesh Dhuware, Sunil Nagdeve, Anantram Barewar, Sujit Sirsat. All these witnesses have categorically stated that the accused / non-applicant is residing in village Boda, Tq. Tiroda since last six months. Not only this, spot panchnama dated 22/11/2024 shows that the accused was found in village Boda. The spot panchnama is part of record.

6. Thus, it is crystal clear that though specific condition was put vide order dated 27/03/2024 upon the accused not to enter into the vicinity of Boda, Tq. Tiroda, Dist. Gondia, till the culmination of trial, he in total disregard of the order, has noted the condition and has been residing at village Boda.

7. It seems that the accused has no respect for the law and therefore, violated order granting bail requires to be revisited.

8. The learned counsel for the non-applicant has contended that since his father is suffering from paralysis, he was required to stay at village Boda. He, therefore, requests this Court to take a lenient view.

9. Though the learned counsel for the non-applicant has contended that due to necessity, he has entered into the village and staying there, but the fact remains that there is breach of condition imposed by this Court. Even otherwise no material has been brought on record to substantiate his contention. The non-applicant could have preferred an application for relaxation of said condition.

10. In that view of the matter and considering the fact that the condition was put in serious offence of Section 302 of the Indian Penal Code, bail granted to accused vide order dated 27/03/2024 stands cancelled.

11. The non-applicant/accused shall surrender within a week from today.

12. Accordingly, application is disposed of.

[RAJNISH R. VYAS, J.]