



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4786 OF 2025
IN
APEAL/518/2025

1. SHIVAM RAJESHLAL GURKHUDE
2. AMRISH HANUMANLAL GURKHUDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Dudhate Shivaji Namdevrao
APP for Respondent No. 1 : Mr. VM. Chate
Advocate for Respondent No. 2 : Mr. Shekade Shashikant E.

...

CORAM : ABHAY J. MANTRI, J.

DATE : 24TH APRIL, 2026

PER COURT :

1. Applicants/original Appellants have filed this Application for relaxation of the condition no. (ii) imposed by this Court while passing the order dated 14.10.2025, in Criminal Appeal No. 518/2025.
2. Applicants/Appellants contended that they have an agricultural field at Village Ghosapuri, Gat No. 135, which is within the jurisdiction of the Beed Rural Police Station; however, due to the imposition of condition no. (ii), they are unable to cultivate their land, and, therefore, it would cause hardship to them. They are deprived of their right to cultivate the land. As such, they have filed this Application.

3. Learned APP filed the reply, though it resisted the Application. However, in paragraph no. 5 of the reply, it is categorically stated that the charge-sheet has been filed in the Court. Similarly, in paragraph no. 6, it is averred that after the order dated 14.10.2025, they did not receive any complaint from the Informant or any witnesses stating that the applicants had pressurised or threatened them, nor was there any complaint regarding violating of the conditions imposed by this Court.

4. Learned Advocate for Respondent No. 2 strongly opposed the Application. However, he failed to file the reply to the Application. Non-filing of the reply leads to the inference that Respondent No. 2 has no grievance about the averment made in the Application. He further failed to point out why the said condition should remain in force. Moreover, from the order dated 14.10.2025, he failed to explain why the said condition should be continued.

5. On the contrary, it appears that since the investigation was ongoing, this Court imposed a general condition while passing the order and having considered the facts that the Applicants have agricultural land and considering the say filed by the Investigating Officer, in my view, it would be appropriate to relax condition no. (ii), imposed by this Court by order dated 14.10.2015. It would not cause prejudice to the

rights of the Informant.

6. As a result, *the Application is allowed in terms of prayer clause 'B'.*

7. Accordingly, condition no. (ii), imposed by order dated 14.10.2015, is hereby relaxed.

(ABHAY J. MANTRI, J.)

SPC