

ORDER PASSED BELOW Ex.732 IN SESSIONS CASE NO. 103/2018

01. By way of present application, accused No. 1 Bajirao Pawar prayed for relaxation of condition prohibiting him from entering in Dhule District. Alternatively it is prayed that the applicant be permitted to reside in Dhule for at least four working days of each week.

02. It is a contention of applicant that the similar application vide Exh. 711 was filed and the same was withdrawn on 04/05/2024 for want of his instructions to the advocate. Therefore, the present application is filed. It is contended that the applicant was in custody since 2018 and was ordered to be released on bail as per order of Hon'ble Supreme Court in Miscellaneous Application No. 1530/2023 in SLP (Cri.) No. 4893/2021 and the conditions imposed by this Court as directed by the Hon'ble Supreme Court.

03. It is further contended that the applicant performed second marriage due to demise of his first wife. She is 61 years old and obese. She is suffering from different ailments. The daughter of applicant has completed B. E. in I. T. and she resides with her mother. The wife of accused No. 11 Gaurav, who is the son of applicant also resides with them. She has a daughter and a son. Besides them there is no one in the family. Daughter of applicant is unmarried because the applicant and his son were and is in jail. Though the applicant is enlarged on bail, due to imposition of condition, he could not enter in the jurisdiction of Dhule District except for hearing of the present case or as and when directed by the Court. Therefore, he is unable to take care of his family members. He is unable to take effective steps for searching suitable bride-groom for his daughter. At present she has secured her admission

for pursuing LLB Course in a law college at Dhule.

04. It is the contention of applicant that most of the eye witnesses have been examined in the case. No other important witnesses are required to be examined other than police officers. A public notice has been issued for sale of property of the family of applicant. However, in absence of applicant, no fruitful talk with them can be made and therefore, the sale process cannot be completed. Presence of applicant is necessary as he is suffering from financial difficulties, and he being the head of family. Recently brother of the applicant has become seriously ill. Therefore, his presence in Dhule is necessary.

05. The original informant filed reply through prosecution vide Exh. 736 and strongly opposed the application on the ground that similar application filed vide Exh. 711 is not pressed by the applicant, and therefore, the present application is not tenable. Various applications are filed by the applicant only with the intention to cause delay in conducting the proceeding of the case. C. R. No. 414/2023 under Section 195-A, 214, 507 r/w 34 of the IPC is registered against the applicant, and other persons on 17/12/2023 on the basis of report filed by P. W. 29 Harish Shinde. Further, the important eye witness Hitesh @ Aakash @ Shendya Rajendra Deore turned hostile after release of the applicant on bail. The applicant is the master mind of the crime. He is the history sheeter and various types of grievous crimes have been registered against him. Therefore, if he is permitted to enter the jurisdiction of Dhule district, he will create hurdles in the progress of the trial and will pressurize the witnesses.

06. It is further submitted that misleading statements have been made in para No. 8 of the application. He has no direct or indirect concern with the immovable properties. The said property is not owned by the applicant or his relatives. The brother of applicant namely Ganpat Sajan Pawar is 55 years old and resides separately at Prabhat Nagar, Deopur, Dhule. His family members are competent to take his care. Thus, prayed for rejection of application.

07. Heard both sides. Perused record. At the time of filing application Exh. 711 the advocate of applicant tendered medical papers of the applicant and his wife. Those documents nowhere suggests that any surgery is required. Harniya is noted in the medical papers of the applicant. Vide Exh. 733 medical papers of the applicant, his wife, advertisement of property and medical papers of brother of applicant are tendered on record. The applicant has not tendered on record any documents of ownership of the property which are required to be sold, as contended in the application. As regards the contention in the reply of informant that the family members of the brother of applicant i.e. Ganpat Sajan Pawar are competent to take his care, nothing has been argued by learned advocate of the applicant. It is not the contention of applicant that Ganpat Sajan Pawar is residing with family members of applicant. Vide order dated 13/06/2024 passed below the present application, the applicant was directed to specify the details of the operations that needs to be done, names of the concerned hospitals and his required stay in the said hospitals along with the certificates of concerned medical officers, however, the same is not submitted till this date. The documents filed vide list Exh. 733 nowhere indicates that the applicant needs to undergo any surgery at Dhule. Further, the applicant

is enlarged on bail by the Hon'ble Supreme Court on conditions imposed by this Court. After taking into consideration the entire record of the case, allegations made against the present applicant and the possibility of threatening the prosecution witnesses and the fact that defense witnesses are also yet to be examined, trial will take its time to conclude. The conditions stipulated in the order were imposed for certain purpose and to relax the said condition would thus, defeat the purpose. So, I am of the opinion that application for relaxation of the condition for prohibiting the applicant from entering into Dhule District and for grant of permission to the applicant to reside in Dhule for at least 4 days in a week, is devoid of merit. Resultantly I pass following order.

ORDER

Application Exh. 732 is hereby rejected.

Dhule
Date : 10/07/2024

(Jayshri R. Pulate)
Additional Sessions Judge, Dhule.

:- CERTIFICATE :-

I certify that the contents of this PDF File are word to word as per original Judgment/Order.

Name of the Steno : Pravin R. Pande
Name of the Court : Addl. Sessions Judge, Dhule
Order delivered on : 10/07/2024
Order signed by P.O. : 11/07/2024
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Sd/-xx
Stenographer