



Sessions Case No. 8/2019
(CNR No. : MHPU14-000162-2019)

State of Maharashtra
Vs.
Ganesh Thombare & Ors.

ORDER BELOW EXH. 204

1. This is an application for seeking relaxation of condition No.(ii) and (iv) imposed by this Court while releasing the applicant/accused No.4 Kondiba Bhairu Thombare on bail, in connection with Crime No. **455/2018**, for the offence punishable under Sections 307, 324, 341, 504, 506 read with Section 34 of the Indian Penal Code, registered with Police Station, Baramati Taluka, Dist. Pune, as per order passed below **Exh. 139**, dated **26/06/2024**.

2. According to applicant/accused No.4 Kondiba Bhairu Thombare, age 65 years that, in compliance of the order passed by this Court, dated **26/06/2024**, he is residing out of village Malegaon Khurd, Tal. Baramati i.e. away from his entire family. According to applicant/accused No.4, in his family there are 6 members including him, out of them three sons, his wife and one daughter were residing together since last three decades. Now they wants to perform the marriage of his daughter, namely, Supriya Thombare, who attended age of 26 years. So, for the applicant being her father wants to solemnize his daughter's marriage and it is very necessary for the future of his daughter Supriya Thombare to get married, but for the reason of following bail conditions, i.e.

2 [ii] The applicant/accused No.4 not to enter the Taluka Baramati after being released on bail, except for reporting to the Investigating officer, if called and for

attending the trial.

*[iv] The applicant/accused shall report to the Hadapsar Police Station, Dist. Pune once in a week, on every **Sunday** between 11.00 a.m. to 01.00 p.m. till the conclusion of the trial. The Police Inspector of Hadapsar Police Station, Dist. Pune shall maintain his register in order to communicate the details thereof to the Investigating officer.*

he could not arrange the marriage of his daughter and for that purpose it is necessary to set aside the condition No.2 and 4 which are imposed by this Court while granting bail on **26/06/2024**. Applicant submits that, if these conditions will not be relaxed by the Court, then applicant/accused and his daughter will be suffer irreparable loss. So in the interest of justice, at last he prayed for relaxation of bail conditions.

3. On the other hand, learned APP for State filed his say on record and he strongly opposed the present application on the ground that, if bail condition is relaxed, then possibility of tampering the prosecution evidence by applicant/accused cannot be ruled out. At last, he also prayed for rejection of this application.

4. First informant present before Court and submitted that, he is the father of deceased Rajesh @ Chotya Babaso Khomane. In such situation, if bail conditions imposed by this Court are relaxed, then possibility of pressurizing the witnesses cannot be ruled out. At last, by mentioning other certain facts, he prayed for rejection of this application.

5. Read application, affidavit of applicant/accused. Perused

the record. Heard both side at length. In the light of submissions advanced before me, I have also gone through the record.

6. It reveals to me that, while allowing the bail application filed by applicant/accused No.4 Kondiba Bhairu Thombare below **Exh.139**, this Court has imposed above mentioned two bail conditions, however it is necessary to mention here that, while filing application below **Exh.139** for releasing applicant/accused on bail, advocate for applicant/accused No.4 Kondiba Bhairu Thombare specifically mentioned in Para No.26 and 27 that, “the applicant is ready to furnish surety to the satisfaction of the Court. Applicant is ready to abide a stringent one condition to the satisfaction of the Court that he would not enter the village of the victim unless and until the trial is completed”, and “the applicant will abide each and every condition imposed upon him by this Hon’ble Court. The applicant is ready to abide by even stringent conditions if the Hon’ble Court imposes on him” and here looking the said fact mentioned by the applicant in his application coupled with submission advanced by both side at the relevant time condition No.2 and 4 are imposed by this Court.

7. In the light of above scenario, in order to substantiate the reason mentioned in this application, applicant/accused No.4 has filed school leaving certificate of his daughter, namely, Supriya Kondiba Thombare, which shows that, her age is 26 years old. So, looking the facts advanced before me on behalf of applicant’s advocate about deciding her marriage at the earliest and for that necessity of presence of applicant/accused No.4 Kondia Thombare

in the house coupled with the situation available on record, in my opinion, if condition No.2 **only** imposed by this Court is relaxed to the some extent, it will not cause any hurdle to the prosecution. However, at the same time it is also necessary in this case to take proper care in order to save the interest of prosecution and other witnesses from any influence. In such situation, if **instead of** imposing **entire ban** on entering the applicant/accused No.4 Kondiba Thombare to his house at Malegaon Khurd, Tal. Baramati, **if he allowed for one day in a week to enter** in village Malegaon Khurd, Tal. Baramati, then it will convenient for him to take any further steps or decisions in respect of marriage of his daughter.

8. It is to be noted here that, no cogent and trustworthy reasons have been shown by the applicant in order to consider the prayer in respect of relaxation of condition No.2(iv) imposed by this Court while passing order below **Exh.139**.

9. Accordingly, I inclined to partly allow the present application and pass the following order.

ORDER

1. The application (Exh. 204) is partly allowed.
2. The bail condition No.2(ii) imposed on applicant/accused No.4 Kondiba Bhairu Thombare while releasing him bail as per order passed below **Exh.139**, dated **26/06/2024** is relaxed and modified to some extent as under :
 - 2(ii) The applicant/accused No.4 Kondiba Bhairu Thombare is hereby allowed to enter to his house at Malegaon Khurd, Tal. Baramati, Dist. Pune

on every Thursday only except for reporting to the investigation officer, if called and for attending the trial, till conclusion of the trial.

3. The prayer in respect of relaxation of condition No. 2(iv) is rejected.
4. Inform to the concerned police station accordingly.
5. The application is disposed of accordingly.

Baramati.
Date : 03/10/2024.

[R. K. Deshpande]
Additional Sessions Judge, Baramati
Dist. Pune

CERTIFICATE

I affirm that the contents of this P. D. F. file Order are same word for word as per original Order.

Name of the Steno :- **Shri. D. L. Gudde,**
Stenographer (Grade-I)

Name of the Court :- **Shri. R. K. Deshpande,**
District Judge- 2 & Additional
Sessions Judge, Baramati,
Dist. Pune.

Date of Order :- 03/10/2024

Order checked & signed
by presiding officer on :- 03/10/2024

Order uploaded on :- 04/10/2024.