

ORDER BELOW EXH. 222

1. This application is filed by applicant/accused No. 1 and 3 for setting aside the conditions which are imposed by this court while granting the bail to them dated 26/06/2024.

2. In short it is the case of applicants that, while granting bail to the applicants in this case by way of order passed below Exh.139 on 26/06/2024, this court has imposed following conditions

ORDER

1. *The application (Exh.139) is allowed.*

2. *The applicant/accused No.1 Ganesh Kondiba Thombare, applicant/accused No.3 Akshay @ Najya Bajirao Jadhav and applicant/accused No.4 Kondiba Bhairu Thombare shall be released on bail for the offence punishable under Sections 307, 324, 341, 504, 506 read with Section 34 of the Indian Penal Code, in connection with Crime No.455/2018, registered at Police Station, Baramati Taluka, Dist. Pune on execution of P.R. and S.B. in the sum of **Rs.1,00,000/- (Rupees One Lac only)** each with one or two solvent sureties of the like amount on following conditions :*

[i] The applicants/accused shall not tamper with the prosecution evidence and shall not contact or influence the complainant or any witness in any manner.

[ii] The applicants/accused 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.

[iii] On being released on bail, the applicants furnish their cell phone numbers and residential address to the Investigating officer and shall keep the same updated, in case of any charge thereto.

[iv] The applicants/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.

[v] The applicants/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court to any police personnel.

[vi] The applicants shall attend the trial regularly.

[vii] The applicants shall surrender their passport, if any to the Investigating officer.

[viii] The applicants shall not leave the jurisdiction of this Court without prior permission of the investigating officer in writing.

3. *If breach of the any of the above conditions committed, then investigating officer has liberty to move his application for cancellation of bail before this Court.*
4. *Intimate to the concerned police station and Jail authority accordingly.*
5. *The bail application (**Exh.139**) is accordingly disposed of.*

Sd/--

3. It is to be noted here that, after passing the order, on furnishing necessary bail bonds, present applicants are released on bail. Applicants submits that, they are the resident of Village - Malegaon, Tal. Baramati with their entire family. Both are the young persons having responsibilities of their families but due to conditions of (ii) and (iv) which are imposed by this court **as mentioned above**, it is difficult for them to enter in their village Malegaon and to discharge their family responsibilities and said conditions are obstruction for them to reside in their village with their family. It is

further submitted that, due to above said conditions they are unable to do their running business, which are only the source of their income and by mentioning certain other grounds, at last they have prayed for setting aside the conditions which is specifically mentioned in point No. (ii) and (iv) of the said order.

4. Per contra investigating officer and learned APP strongly opposed the present application by filing their say on record below Exh.223. Investigating officer submitted that, first informant, witnesses, applicants/accused are resident of one and same village. In such situation if applicants are allowed to reside in the same village then possibility of repetition of more severe crime cannot be ruled out. Investigating officer further submitted that, the injured in this crime is still in Coma and applicants have terror in the vicinity. Hence, possibility of pressurizing the witnesses cannot be ruled out.

5. During the course of argument one witness Suresh Baban Khomane present before this court and he filed his application on record below Exh. 226. He narrated the entire facts in order to show that, how the presence of applicants in the village would create complications and terror in the village and raise his apprehension that, if conditions which are imposed by this court are relaxed then possibility of threatening the remaining witnesses cannot be ruled out and hence, at last he pray for rejection of this application.

6. Read application, affidavit of applicants, say give by investigating officer, perused application filed by one Suresh Baban Khomane. Heard both sides at length.

7. Perused the record. It is necessary to mention here that, while making application for releasing the applicants on bail below

Exh. 139, applicants specifically undertake and stated in para 26 of their application which is reproduced **as under** :

26. That the Applicants is ready to furnish surety to the satisfaction of the court; Applicants 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 accordingly, keeping in mind the undertaking given by applicants and the submissions advanced on behalf of applicants, coupled with the other facts and circumstances, order passed below Exh. 139 on 26/06/2024.

8. It is necessary to mention here that, one of the co-accused No.2 by name Vishal @ Sampat Kondiba Thombare is already released on bail as per the order passed by the Hon'ble Bombay High Court in Bail Application No. 1728/2024 (*Vishal @ Sampat Kondiba Thombare Vs. State of Maharashtra*) dated 06/05/2024 and while allowing the said bail application, the Hon'ble our Court has passed following order which is mentioned below:-

O R D E R

(a) The Applicant – Vishal alias Sampat Kondiba Thombare be released on bail in connection with C.R. No.455 of 2018 registered with the Baramati Taluka Police Station, District - Pune on his furnishing PR. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall not enter the Taluka – Baramati after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.

(c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in

case of any change thereto.

(d) The Applicant shall report to the Hadapsar Police Station, District – Pune once in two weeks, on Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Hadapsar Police Station, District – Pune to communicate details thereof to the Investigating Officer.

(e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

16. The Bail Application is disposed of accordingly.

17. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the prima facie observations made in this order.

While passing the order, Hon'ble High Court has also imposed certain conditions including the conditions as specifically mentioned in Clause **(b)** and **(c)** of its order and accordingly, this court has also imposed the same conditions which are imposed by

the Hon'ble High Court while deciding the application for bail filed by applicants below Exh.139.

9. It is pertinent to note here that, while making argument on the application for releasing the applicants on bail, applicants sought releasing the applicants/accused on bail **mainly** on the “**ground of parity**” as accused No.2 Vishal Alias Sampat Kondiba Thombare was already released on bail as per the order passed by the Hon'ble High Court and by applying the said principle, keeping in mind the other facts and circumstances, both applicants are released on bail. In such situation as this court has strictly followed the bail conditions which are imposed by Hon'ble Bombay High Court, while allowing the bail application to accused No.2 Vishal Alias Sampat Kondiba Thombare. In such situation, I do not found any substance to allow the present application and accordingly, relaxed the conditions which are imposed by this court while passing order below Exh. 139 on **26/06/2024**. So, I am not inclined to allow the present application and proceed to pass the following order.

ORDER

1. Application Exh. **222** is hereby rejected.
2. Parties to take note.

Baramati.
Date : 24/03/2025.

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

