

Order below Exh.102 in Spl.Case (POCSO)no.102/2022

State
(Karjat Police Station)..... Complainant

Vs.

Ashutosh Ashok Tamhane
Somesh Jairam Thorve and
Pradip Sambhaji Tamhane Accused.

This is an application filed by the accused for relaxation of the condition imposed by the Hon'ble High Court, at Bombay while passing order in Criminal Bail Application no.3302 of 2022 dated 07/01/2023 and Criminal Bail Application no.3345 of 2022 dated 07/01/2023. The orders of the Hon'ble High Court, at sr.no.iii read as follows-

iii) The applicant shall not stay at village Gaurkamat, Tal.Karjat, Dist.Raigad till the conclusion of the trial and shall seek permission of the trial court if he is required to enter into the limits of the said village.

In the above condition, Hon'ble High Court, at Bombay has restrained the applicant not to stay in village Gaurkamat, Tal.Karjat, Dist.Raigad till the conclusion of the trial and has to

seek permission of the trial court if he is required to enter limits of the said village.

02. I have read his application wherein he prays the Court to enter the village for 10 days of the Ganesh festival. I have heard his learned advocate who also prays to relax the condition during the Ganesh festival. I have also perused the say of the prosecution filed below Exh.103, wherein they have opposed bail application that if the accused are allowed to enter the village, it will affect the mental condition of the victim girl and it will also pressurize the witnesses as well as it will create danger to the life of victim girl.

03. I do agree and find considerable force in the submissions of learned prosecution. However, since festival of Ganesh is upcoming and being great festival, therefore, instead of granting relaxation for 10 days, it will be highly desirable to grant relaxation of condition when Ganesh festival will start i.e. on 19/09/2023 and on next day i.e. on 20/09/2023 and on last day i.e. on 23/09/2023 only. Condition will be relaxed only for three

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days i.e. on 19/09/2023, 20/09/2023 and 23/09/2023 with direction that accused, while entering the village to report the nearest police station immediately. They are directed to enter village on 19/09/2023 at about 06.00 a.m., and after that they must also report that they will leave the village on or before 20/09/2023 at or before 08.00 p.m. So also the accused is directed to report the police station immediately after entering the village after 06.00 a.m. on 23/09/2023 and leaving the village at or before 08.00 p.m. They are not allowed to stay in the village after 08.00 p.m. Disobeying the condition it will be reported to the Hon'ble High Court, at Bombay for cancellation of their bail.

Panvel
Date-13/09/2023

(Shaida Shaikh)
Extra Jt.District & Addl.Sessions Judge
Panvel-Raigad.