

MHST01-001539-2023



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SATARA
Session Case No.63 of 2023

State of Maharashtra ...Complainant

Vs.

Ravi Balwant Yadav etc. 3 ...Accused

Mr.N. D. Muke, A.P.P. for the State.
Mr.P. S. Bhoite, Advocate for applicant.

Coram: Mr. S. R. Tamboli,
The Adtl. Sessions Judge, Satara,

:: ORDER BELOW EXH.141 ::

In the instant application, accused No.3 prayed to relax the condition imposed in the order dated 28.08.2023 passed in Cri. Bail Application No.548/2023.

02. In short, the facts necessary for deciding the present application are that accused No.3 Umesh Bhalerao Bhoite has been charge-sheeted for the offences U/ss.302, 341, 504, 506 r/w. 34 of the I.P.C. & U/ss.3, 25 of the Arms Act. By virtue of order dtd. 28.08.2023 passed in Cri.B.A.No.548/2023, this Court released the accused on bail on condition that, he should not enter in Satara District during the pendency of the trial except on the date of the hearing of the case. Accused No. 3 prayed to cancel said condition.

03. In the backdrop of these facts, Mr.P.S. Bhoite, the Ld. Counsel for the accused No.3 Umesh submitted that on 06/07/2023,

the daughter of accused took admission in D. Pharmacy College at Karad. Due to that, it is difficult for him to meet and help her. The grand-mother of accused is 93 years old. She used to remain sick. He has not met her since the last 19 months. Considering her age, it is necessary for the accused to reside along with her. In December 2022, the accused came to be elected as a member of Gram Panchayat. He is the chief of the Gram Panchayat Panel. In order to solve the problems of the villagers, it is necessary to remain in the village. Accused has no criminal background. There is no prima-facie case against him. There is no question of tampering of the evidence. Out of political rivalry, the accused has been implicated in the false case. Hence, he prayed that the condition "Not to enter into Satara District", be cancelled.

04. Per contra, Mr. Muke, the Ld. A.P.P. for the state submitted that the accused filed similar application below Exh.50. This court rejected the said application on merit. Accused approached the Hon'ble High Court. He withdrew the said application. Therefore, the application is not maintainable. The prime witnesses have not been examined. There is a threat to the life of the prime witnesses. In the present case, murder has been committed brutally. Accused No.3 conspired with the accused Nos.1 & 2 who are in jail. Accused wants to tamper the evidence. There is a threat to the life of the witnesses. Hence, he prayed to reject the application.

05. To support the contentions, Mr. Bhoite, Ld. Counsel for the accused No.3 placed reliance on the following citations :-

(i) ***Repolicy Strategy for grant of bail, 2023 Live Law (SC) 610.***

In the said case, the Hon'ble Supreme Court observed that, Courts should impose realistic conditions of bail considering the economic

and social position of the under trial prisoners or else the act of grant of bail does not sub-serve its purpose.

(ii) **Mursaleen Tyagi V/s. The State of Uttarpradesh & Anr.2023 Live Law (SC) 700.** In this case, the Hon'ble Supreme Court observed that the grant of bail subject to onerous conditions, is ordinarily in exceptional circumstances and cannot be as a matter of routine.

(iii) *Girish Gandhi V/s. The State of Uttarpradesh & Ors. W.P. (Criminal) No. 149 of 2024 decided on 22/08/2024.* In this case, the Hon'ble Supreme Court observed that the excessive bail is no bail and to impose excessive and onerous conditions, is to take away with left hand, that given with the right.

(iv) *Frant Vitus V/s. Narcotics Control Bureau & Ors. Cri. Appeal arising out of S.L.P.(Cri.) No. 6339-6340 of 2023 decided on 8/7/2024.* In this case, the Hon'ble Supreme Court observed that the accused cannot be subjected to any irrelevant condition. The object of imposition conditions of bail used to ensure that the accused does not interfere or obstruct the investigation in any manner. The bail conditions cannot be fanciful, arbitrary or freakish. While granting bail, the courts can curtail the freedom of the accused only to the extent required in imposing the bail conditions warranted by law. Where the circumstances required, the court may impose the condition restraining an accused from entering a particular area to protect the prosecution witnesses or the victim.

06. Relying on the ratio laid down in the aforesaid cases, Mr. Bhoite, the Ld. Counsel for the applicant prayed to relax the

condition imposed while granting the bail.

07. Mr. Chikane, the Ld. Counsel for the informant objected to the application and prayed to reject the application on the ground of tampering evidence.

08. There can not be two opinions about the ratio laid down in the aforesaid cases. Accused No.3 had filed similar application at Exh.50. Said application is decided on merit on 24/01/2024. The accused raised all the grounds raised in the present application. Said application is dismissed on merit. Accused No.3 had filed Cri. Bail Application No.523/2024 before the Hon'ble High Court. On 14.10.2024, accused No.3 withdrew the said application. In the said case, the Hon'ble High Court gave liberty to accused No.3 to pursue the relief before the Sessions Court.

09. However, since decisions of order passed below Exh.50, there is no change in the circumstances. My Ld. Predecessor in title dismissed the application (Exh. 50) on merit. Since then, there is no change in the circumstances.

10. Mr. Bhoite, the Ld. Counsel for the accused submitted that since the decision of an earlier application, a period near about ten months was passed till filling of the application. There is no progress in the trial. It is a change in circumstances. Hence, he prayed to modify the condition imposed in the order of bail.

11. It is important to note that, the accused Nos.1 and 2 are in jail. They were produced by V.C. from jail before this Court on 7th April 2025. Since then, this Court repeatedly inquired with the accused Nos.1 & 2 about making their submissions on hearing before charge. However, both accused sought time to argue on the charge

till they avail the remedy of the bail before the Higher Courts. Therefore, the hearing on charge is not concluded. The Ld. Counsel for the accused Nos.1 & 2 did not remain present in the Court and accused Nos.1 & 2 sought time to argue on charge. Therefore, it seems that the accused are delaying the matter under the hope that one day, they will get the bail on the grounds of long detention in the jail without progress in the case. The case is not progressed due to the conduct of accused Nos.1 & 2. The allegation against accused No. 3 is that, he conspired to commit the offence with them.

12. Mere lapse of time is no charge in the circumstances. The conduct of the accused delayed the progress of the case. Therefore, the accused failed to make out any case for relaxation of the condition. In the result, I pass the following order :

ORDER

- 1) Application (Exh.141) is dismissed.

Date- 10.06.2025

(S.R.Tamboli)
District Judge-2 &
Addl. Sessions Judge, Satara