

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (MAIN) NO. 211 OF 2015

Shri Raichand M. Soni,
son of Manrupji Soni,
48 years of age,
married, businessman
and residing at Flat No.603,
Shalom, Miramar, Tiswadi Goa. Petitioner

V e r s u s

1. State
Through the Police Inspector,
attached to the CID/CB
2. The Special Public Prosecutor,
Panaji Goa. Respondents

Mr. N. Sardessai, Senior Advocate with Mr. V. Amonkar, Advocate
for the petitioner.

Mr. S. R. Rivankar, Public Prosecutor for the respondents.

CORAM : K. L. WADANE, J

ORDER RESERVED ON : 04.09.2015

ORDER PRONOUNCED ON : 09.09.2015

ORDER

The present application is filed by the petitioner seeking relaxation of the bail conditions imposed by the Special Judge, Panaji while releasing him on bail. The petitioner was arrested on 07.08.2015 in connection with Crime No. 93/2015 registered under Section 120-B of Indian Penal Code and Sections 7, 8, 9 and 13 of the Prevention of Corruption Act, 1986. The first

bail application of the petitioner was rejected by the Special Court. However, his second bail application was allowed with certain conditions including that the petitioner shall not leave the State of Goa for a period of one month. Such bail order was passed on 19.08.2015.

2. On 24.08.2015 i.e. within four to five days from the time of releasing the petitioner on bail, the petitioner moved an application to relax the aforesaid conditions as the petitioner wants to attend the mandatory parents-teachers meetings at Dubai scheduled on 25.08.2015 and 28.8.2015 by the respective schools of his daughter and son. The petitioner also prayed to relax such conditions as he has to look after his business in Dubai. The said prayer of the petitioner was rejected by the Special Court. Hence, the present application.

3. I have heard the arguments of Mr. N. Sardessai, learned Senior Counsel appearing for the petitioner and Mr. S. R. Rivankar, learned Public Prosecutor appearing for the State.

4. During the course of the arguments, Mr. Sardessai, learned Senior Counsel appearing for the petitioner has argued that the petitioner is having immovable properties at Panaji and he is ready to produce the original documents showing the

ownership of such immovable properties. Therefore, the learned Senior Counsel submitted that the conditions imposed by the Special Court may be relaxed for at least 10 days. The learned Senior Counsel further submitted that the meetings which were scheduled to be held on 25.08.2015 and 28.08.2015 were postponed and such meetings were scheduled on 06.09.2015.

5. Mr. Rivankar, learned Public Prosecutor has argued that the petitioner was well aware about his future engagements and assignment, but at the time of imposing conditions he was ready to abide any conditions imposed by the Special Court and now within four to five days, he filed another application seeking relaxation of the conditions.

6. I have heard the arguments of both the sides on 04.09.2015, but due to paucity of time, it was not possible for this Court to pass the order on 04.09.2015. On 05.09.2015 being Saturday, the Court was not functioning and on 06.09.2015 being Sunday, the matter was reserved for orders.

7. Looking to the averments in the application and after hearing both the sides, it appears that the petitioner has sought for relaxation of the conditions on two grounds. Firstly, in order to attend the meetings in the school at Dubai and secondly, to look

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after his business in Dubai. The first ground of the petitioner no more survives now as the date of 06.09.2015 has already been crossed. The petitioner was released on bail on the one of the conditions that he shall not leave the State of Goa for a period of one month. However, such period will be over within 9 to 10 days. In such circumstances, it will not be desirable for this Court to relax the conditions. As such, I do not think that the condition imposed by the Special Court is required to be relaxed. Accordingly, the application stands dismissed.

K. L. WADANE, J

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