

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

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CRIMINAL BAIL APPLICATION NO.2350 OF 2014
WITH
CRIMINAL BAIL APPLICATION NO.2369 OF 2014

Akhilesh Harshal Pandey	.. Applicant
Vs.	
The State of Maharashtra & Anr.	.. Respondents

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Mr.Ashok M. Saraogi, Advocate for the Applicant.
Mr.H.S. Venegaonkar, Advocate for the CBI.
Mr.Deepak Thakre, A.P.P. for Respondent – State.

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CORAM : ABHAY M. THIPSAY, J.

DATED : JANUARY 14, 2015.

P.C. :

Heard Mr.Saraogi, learned counsel for the applicant.

Heard Mr.Venegaonkar, learned counsel for respondent – CBI.

2 The applicant is one of the accused in Special Case No.35 of 2011 pending before the Special Court at Mumbai. The case is in respect of the offences punishable under Section 419, 420, 465, 467, 468, 471 and 201 of the Indian Penal Code (IPC) read with Sections 511 and 120(B) of the IPC, as also the offence punishable under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

3 The applicant was initially arrested on 19th May, 2010. He was ordered to be released on bail by the Special Court on 27th July, 2010. He was permitted to deposit cash amount of Rs.2,50,000/- (Rupees Two Lac Fifty Thousand) in lieu of surety, as a temporary measure, and was required to furnish a surety in the said amount within the stipulated time. The applicant, however, absconded. He did not furnish the surety in the stipulated time. He was found after great difficulty and was ultimately once again arrested on 5th October, 2010, from a place near Kalyan. The applicant has, thereafter, continued to be in custody till toady.

4 I have examined the nature of allegations against the applicant. All the other accused in this case have been released on bail. The case of the applicant does not seem to be any way different from those accused who have already been released on bail.

5 The only contention that has been advanced by Mr.Venegaonkar, the learned counsel for the CBI is that the applicant if released on bail is likely to abscond. He submitted that the applicant had once absconded. He also submitted that the addresses given by the applicant were found to be bogus. There is indeed some substance in these contentions.

6 Mr.Saraogi, the leaned counsel for the applicant, however, submits that the applicant has already remained in custody for a sufficient length of time though he was originally ordered to be released on bail on considering merits of the case. Mr.Saraogi also pointed out that the cash of Rs.2,50,000/- (Rupees Two Lac Fifty Thousand), deposited by the applicant has already been forfeited. Thus, according to the leaned counsel the applicant has already suffered for the wrongs attributed to him, and that if an opportunity is now given to him, to avail of liberty, he will abide by the conditions, as may be imposed by this Court.

7 After carefully considering all the relevant aspects of the matter and keeping in mind that the trial is not likely to be expeditiously held, I am inclined to grant one more opportunity of availing of liberty to the applicant. However, in view of the past conduct of the applicant, I am inclined to imposed somewhat stringent conditions upon the applicant to reduce the possibility of his absconding once again. I am also inclined to fix a rather heavier amount of bail.

8 The application is allowed.

9 The applicant is ordered to be released on bail in the sum of Rs.5,00,000/- (Rupees Five Lac), with one surety in like amount or two sureties in the sum of Rs.2,50,000/- (Rupees Two Lac Fifty Thousand), each, on the following conditions:

(a) The applicant shall report to the office of the CBI BSFC, Mumbai, on every working day between 11.00 a.m. to 2.00 p.m. except on the dates on which he would be present before the trial Court.

(b) The applicant shall give his address where he would be residing after his release from custody, to the Investigating Officer in writing. The applicant shall not change this address without giving previous notice in writing to the Investigating Officer and to the trial Court, and without notifying his proposed new address.

(c) The applicant shall not leave the limits of Brihanmumbai or Thane district without the express permission of the Investigating Officer or the Court, in writing.

10 Any breach or violation of these conditions may forthwith be reported by the Investigating Officer to the trial Court which may take further appropriate action in the matter by treating this bail order as if passed by it.

(ABHAY M. THIPSAY, J.)