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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 517 OF 2016

Aditya Kohli

..Applicant.

Vs.

The Inspector of Police & Anr.

..Respondents

Mr. Rajat Wadhwa i/b Rupali S. Rajput for applicant.

Mr. deepak Thakare APP for State.

CORAM: A.S. GADKARI, J.

DATE : 16th September 2016.

P.C.

1 This is an application for modification of condition No.2(b) imposed upon the applicant by the Additional Sessions Judge, Greater Mumbai by its Order dated 25.7.2016 passed in Anticipatory Bail Application No.1240 of 2016. While allowing the said application, the Trial Court imposed the said condition No.2(b) which reads as under:

“He shall give attendance in the concerned police station on every Monday and Thursday in between 10.00 a.m. to 12.00 noon, until further order and he shall co-operate to the Investigating Officer in investigation of this crime.”

2 The learned counsel for the applicant submitted that since 25.7.2016 the applicant is sincerely complying with the aforestated condition. It is to be noted here that the first information report is lodged on 21.1.2016 and till date the investigation pertaining to the said crime is not yet completed. The learned counsel for the applicant submitted that on an earlier occasion the applicant was permitted to travel abroad under the Orders of this Court by relaxing the said condition. That the applicant returned back to India and did not committed any breach of the conditions imposed upon him. That he is an ordinary resident of Gurgaon, Haryana State and it is very difficult for him to attend the concerned police station twice in a week. That the applicant has submitted all the relevant and necessary documents which were in his custody. He therefore submitted that the aforestated condition No.2(b) may be waived and appropriate Orders may be passed.

3 The learned APP on instructions vehemently opposed the present application and submitted that the investigation in the present crime is not yet completed as the applicant is not co-operating in the process of investigation. This statement is recorded only for its rejection at its threshold as it is preposterous. The learned APP however acceded to the fact that the applicant had on earlier occasion was permitted to travel

abroad and he returned to India without committing any breach of the conditions imposed upon him. Be that as it may, in view of the facts mentioned in the application, I am inclined to modify the said condition.

4 Hence, the following Order:

(i) The condition No.2(b) of Order dated 25th July 2016 passed in Anticipatory Bail Application No.1240 of 2016 by the learned Additional Sessions Judge, Greater Mumbai is hereby modified and the applicant is permitted to attend the Investigating Officer as and when called for between 10.00 a.m. to 3.00 p.m. and to join the process of investigation till the filing of chargesheet.

(ii) It is needless to mention that before calling the applicant to attend the Police station, the Investigating Officer or any other concerned responsible Officer shall issue notice under Section 160 of Cr. P.C. to the applicant.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)