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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2533 OF 2015

Hemant @ Himanshu Rajendra Bhatt

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Ms. Ruchita Jain i/b Law Global for applicant.

Ms. A.T. Javeri, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 4th March 2016.

P.C.

1 The applicant is seeking bail in CR No.49 of 2007 investigated by the Economic Offences Wing, Mumbai and now culminated in Sessions Case No.783 of 2013.

2 The applicant was arrested in CR No.49 of 2007 investigated by the Economic Offences Wing, Mumbai. The applicant was release on bail by the Special Court, Mumbai by its order dated 15.1.2014 on certain conditions. It appears from the record that the applicant did not attend the Trial Court on the stipulated dates and therefore a non-bailable warrant was issued on 17.1.2015. That initially the said warrant was stayed at the

request of applicant on 23.2.2015. That on 2.3.2015, a fresh non-bailable warrant was issued against the applicant. The applicant was subsequently arrested by the Gurgaon Police Station in a different crime bearing CR No.876 of 2014. The record discloses that the applicant was thereafter transferred on a Transfer Warrant to Mumbai on 3.7.2015. The applicant is in jail in the present crime since then.

3 The learned Counsel for the applicant submitted that as the applicant is facing criminal prosecution in various Courts in India, he could not attend the Trial Court in the present crime i.e. CR No.49 of 2007 investigated by the Economic Offences Wing, Mumbai. She further submitted that the Trial Court by its order dated 15.1.2014 has in fact released the applicant on bail. She submitted that if the applicant is released on bail, he will scrupulously attend each and every date before the Trial Court.

The learned APP has filed a detailed affidavit of Shri Ashok Khedkar, Police Inspector attached to Economic Offences Wing, opposing the grant of any relief in favour of the applicant. It is also placed on record in the said affidavit that the applicant is involved in ten other crimes apart from the present crime. The learned APP vehemently opposed the present application and submitted that if the applicant is released on bail, he will

not be available for trial and will flee from the ends of justice.

4 I have perused the record and the affidavit filed by the Police Inspector attached to Economic Offences Wing, Mumbai. By an order dated 15.1.2014 passed by the Special Court, the applicant was released on bail. It appears from the record that the applicant is facing criminal prosecution at various places in India. He did not attend the Trial Court on various occasions and therefore a non-bailable warrant was issued against him. In pursuance of the non-bailable warrant dated 2.3.2015, the applicant has been transferred from Gurgaon Police Station to Mumbai on Transfer Warrant and he is in jail since then. The apprehension expressed by the learned APP can be taken care of by imposing stringent conditions on the applicant. As the applicant was initially released on bail by the Special Court and since 3.7.2015 he is in jail in the present crime, I am inclined to allow the present application.

5 Hence, the following order:-

(i) The applicant be released on bail in CR No.49 of 2007 investigated by the Economic Offences Wing, Mumbai on his furnishing a fresh PR bond of Rs.5 lacs with one or two solvent local sureties in the like amount.

(ii) Before his release from jail, the applicant shall furnish his

proof of residence to the Investigating officer and to the Trial Court along with his mobile number, if he so possesses.

(iii) After his release from jail, the applicant shall attend the office of the Economic Offences Wing, Unit No.1, Mumbai on every 1st and 3rd Monday of the month between 11.00 a.m. to 1.00 p.m.

(iv) After his release from jail, the applicant shall also attend all the dates before the Trial Court.

(v) Any two consecutive defaults in attending the office of the Economic Offences Wing, Unit No.1, Mumbai and/or the Trial Court, shall make the applicant liable for cancellation of his bail.

(vi) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)