

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.715 OF 2016

Sanjaykumar R. Doshi vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Akhilesh Dubey with V. Mishra, Ritika Gupta and P. Shukla i/by Law Consellers for the applicant.

Mrs. P.P.Shinde, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 17th April, 2017

P.C.

1) This is an application for relaxation of condition No.2(a) imposed upon the applicant while granting pre-arrest bail by the learned Additional Sessions Judge,Thane by its order 6.8.2015. The said condition No.2(a) reads as under:

“2(a) The applicants shall make themselves available for interrogation by a police officer as and when required and shall give attendance to E.O.W. C.B.C.I.D. Navi Mumbai on every Thursday between 10.00 a.m. to 12.00 noon till investigation is over and charge sheet is submitted and shall co-operate with the investigating machinery.”

2) The learned counsel for the applicant submitted that since the date of passing of the said order dated 6.8.2015 the applicant is sincerely attending the Investigation Officer on stipulated dates.

3) The learned APP submitted that the Investigation Officer has not submitted the charge sheet as the application for cancellation of bail is pending final adjudication. According to me the said submission cannot be a ground for non filing of the charge sheet before the Court of competent jurisdiction. As the applicant is attending the Investigation Officer for more than 1.1/2 years and till date the Investigation Officer has not submitted the charge sheet, the said condition No.2(a) is hereby waived from immediate effect.

4) The applicant has also prayed that his pass port which is seized by the Investigation Officer during the course of investigation may be returned to him. The applicant had preferred an application for relaxation of the said condition by preferring Criminal Application No.448/2015 before the concerned court. The said application came to be rejected by the learned Additional Sessions Judge by its order dated 28.1.2016. For the reasons mentioned in the said order and as the investigation pertaining to the present crime is not completed at this stage the investigating agency cannot be directed to return the pass port to the applicant. It is however, to be noted here that while granting pre-arrest

bail to the applicant by an order dated 6.8.2015 the said Court has put a condition that the applicant shall not leave India without the previous permission of the said Court. The said condition postulates that if he intends to travel abroad he has to seek permission from the said Court. In my view, therefore, the prayer for return of passport to the applicant cannot be entertained at this stage.

5) Application is partly allowed in the aforesaid terms.

(A.S.GADKARI, J.)