

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.980/2017

Harish s/o Mangal Kewlani and anr. ..vs.. Central Bureau of Investigation,
Economic Offences Wing, Mumbai

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. P. Dharmadhikari, Senior Advocate with
Mr. D. V. Chauhan Advocate for applicants.
Mrs. M. Chandurkar, Special Counsel for non applicant.

CORAM : V.M. DESHPANDE, J.
DATED : DECEMBER 15, 2017

1. This is an application for regular bail. This application was filed at the time when the charge-sheet was not filed.

2. On 09.11.2017, after hearing the learned Senior Counsel Mr. S. P. Dharmadhikari, this Court (Coram: Z. A. Haq, J.) granted temporary bail in favour of the applicant no.1 on a condition that the applicant will deposit Rs.50,00,000/- with the Bank of Baroda within one week. The applicant no.1 was released on temporary bail after furnishing the bail bonds.

3. Vide order dated 16.11.2017, this Court (Coram: Z. A. Haq, J.) noted in the order that the applicant no.1 has deposited Rs.50,00,000/- with the Bank of Baroda on 15.11.2017 and he has also surrendered his Passport to the

investigating officer. On 16.11.2017, the applicant no.1 expressed that he will deposit further Rs.25,00,000/- by 14.12.2017 and on that day the applicant no.2 was released on temporary bail. The present applicants have deposited Rs.25,00,000/- with the Bank of Baroda, is the statement of the learned Senior Counsel for the applicants. This statement of is not disputed by Mrs. Chandurkar, the learned Special Prosecutor for non applicant, on instructions received from the investigating officer Mr.Yogendra Sharma, who is personally present in the Court.

4. With this background, the application was taken up today for consideration. However, it was made known to this Court that during the pendency of the present application, the investigating officer filed the charge-sheet before the court of law.

5. It is my view that once a charge-sheet is filed then an applicant has to approach firstly before the trial Court and thereafter only, if occasion arises, should approach this Court.

6. Consequently, Mr. Dharmadhikari, the learned Senior Counsel submits that he wishes to withdraw the present application for bail with liberty to file an application for grant of bail before the learned trial Court in view of the subsequent filing of the charge-sheet. He submits that the application for bail will be filed within 10 days from today.

The statement is accepted.

7. In view of the fact that this Court has already released the applicants on temporary bail, coupled with the fact that the applicants have deposited an amount of Rs.75,00,000/- with the Bank of Baroda, they have shown their bona fides. Therefore, orders dated 09.11.2017 and 16.11.2017 shall remain in operation for next 20 days from today. After expiry of 20 days, the order dated 09.11.2017 and 16.11.2017 shall cease to operate automatically.

8. The learned Special Prosecutor, on instructions from the investigating officer submits that the investigating agency will not pray for unnecessary adjournments and will cooperate with the learned Judge of the Court below for expeditious disposal of the bail application.

Even otherwise, the bail application has to be decided as expeditiously as possible since it relates to the personal liberty of the citizens.

9. In view of above, the application is dismissed as withdrawn. It is made clear that this Court has not considered the application on its own merit.

JUDGE