

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 43 OF 2018

Aditya Singh

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Ishwar Nankani a/w Jitendra Motwani a/w Chankay Keswani i/b Economic Laws Practice for the Applicant.

Mr. H.S. Venegavkar, for the Respondent/CBI.

Mr. R. M. Pethe, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 24th JANUARY, 2018

P.C.:

. By the present application, the Applicant has impugned the order passed below Exh. 179 dated 08.01.2018 in CBI Special Case No. 37 of 2003 by the learned Special Judge (CBI) Gr. Mumbai.

2 The record indicates that the Applicant is an accused in the aforesaid Special Case and on 08.01.2018 threatened PW. 3 Shri. Subodh Kumar in the premises of the concerned Court with dire consequences. The Respondent CBI therefore, filed an application for cancellation of bail of the Applicant below Exh. 179 on the said ground. The learned Trial Court after hearing the Applicant was pleased to pass the impugned order, thereby canceling the bail granted to the Applicant by it.

3 This Court initially by an order dated 16.01.2018 granted interim relief to the Applicant for the reasons recorded in the said Order. By a subsequent order dated 22.01.2018, the said relief has been vacated. It is submitted by the learned counsel for the Applicant that after the said interim relief was vacated by this Court, the Applicant has surrendered before the Trial Court and now is in judicial custody at Aurthor Road Central Prison.

4 The record indicates that the Applicant was released on bail in the year 2003 in the present case and since then he was on bail. There was no complaint against him till 08.01.2018 of tampering with evidence and/or pressurizing the witnesses and as a matter of fact, as of today 35 witnesses have been examined by the investigating agency in the present case.

5 In view of the above, I am inclined to modify the impugned order and release the Applicant on bail.

Hence, the following order.

i) The applicant be released on bail in CR No. RC/BA1/2000/A002 culminated in CBI Special Case No. 37 of 2013 on his furnishing PR bond of Rs.15,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the applicant shall attend the office of investigating agency once in month i.e. on every first Monday of the month between 11.00 a.m. to 1.00 p.m. till conclusion of trial.

iii) The applicant shall also attend all dates before the Trial Court

unless and until exempted for medical reason either for himself or any other of his close relative.

iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

v) The Applicant is permitted to submit cash security for a period of six weeks and during that period he will comply with the formalities of furnishing sureties.

vi) Application is allowed in the aforesaid terms.

vii) All the concerned to act on an authenticated copy of this Order.

(A.S.GADKARI, J.)