

Anand

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

BAIL APPLICATION NO. 410 OF 2018

Ankit Kamal Sagar

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mrs. Usha Kejariwal i/b. Mr. D. V. Dere, Advocate, for the Applicant
Mr. M. G. Patil, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 27.03.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail.

3. Perused the papers. The Applicant was arrested in connection with C. R. No. 500 of 2014 registered with the Oshiwara Police Station, Mumbai, for the alleged offences punishable under Sections 341, 324, 506-II of the Indian Penal Code and under Sections 66-A and 67 of the Information Technology Act.

4. The Applicant was enlarged on bail vide Order dated 17.02.2015 passed by the learned Addl. Sessions Judge, Greater Mumbai on certain terms & conditions. Amongst other conditions, the Applicant was directed to be released on P. B. and S. B. in the sum of Rs. 25,000/- with one or two sureties in the like amount, out of which one was to be a local surety. Amongst other conditions, the Applicant was to furnish his permanent residential address; was not to change his residence without prior intimation to Senior PI of concerned police station; to co-operate with the Court for expeditious disposal of trial; not to directly or indirectly induce, threaten or pressurize any prosecution witnesses and to attend the Oshiwara Police Station on every Tuesday and Thursday until further orders. It was also recorded in the said order that breach of the conditions would result in cancellation of the Applicant's bail. It appears that subsequently, the Applicant was released on cash bail for some period, however, the Applicant failed to furnish bail as directed by the Court vide Order dated 17.02.2015. It appears that the Applicant went to Agra i. e. left the jurisdiction of the Court without the Court's permission. Thereafter, NBW was issued and subsequently, proclamation. It appears that the Applicant was arrested and brought before the learned Metropolitan Magistrate. The Applicant, thereafter, filed an Application seeking his enlargement on bail,

however, the same was rejected by the learned Sessions Judge vide Order dated 19.12.2017.

5. Learned counsel for the Applicant has filed an Affidavit-cum-undertaking of the Applicant dated 12.03.2018. In the said Affidavit-cum-undertaking, the Applicant has undertaken to abide by all the conditions imposed by this Court. He has also undertaken to remain present on every date of hearing except in exceptional circumstances.

6. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 25,000/-** with one or more sureties in the like amount;
- (ii) The Applicant shall not leave the jurisdiction of Mumbai and Thane city without prior permission of the trial Court;
- (iii) The Applicant shall inform his residential address and mobile number to the Senior PI of concerned police station and the trial Court, within two weeks of his release and shall inform the trial Court and the concerned police station of any change of address / mobile numbers;

(iv) The Applicant shall report to the investigating officer of the concerned police station on the **1st Sunday of every month** between **10.00 a. m. and 11.00 a. m.** till the conclusion of the trial;

(v) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) The Applicant to cooperate with the conduct of the trial and shall attend the Court on every date of hearing;

(vii) If there are two consecutive defaults in appearing before the trial Court or the concerned police station, the prosecution will be at liberty to apply for cancellation of the Applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)