

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CR. APPLICATION No. 131 of 2017.**

Abid Fateh Mohd. Khatri & Anr ..Applicants.
Vs
The State of Maharashtra ..Respondent.

Mr. Subhash Jha, a/with Sanjana Pardeshi I/by Law
Global for the applicants.

Mr. Amit Palkar, APP for the State.

Shri Vivek V. Joshi, Dy.S.P. ACB Raigad, present.

Coram : A.S.Gadkari,J.

Dated : 3rd August, 2018.

P.C. :-

1) This is an application for relaxation of condition No. (c) imposed upon the applicants by the learned Additional Sessions Judge, City Civil & Sessions Court, Greater Mumbai in Anticipatory Bail Application No. 2132 of 2015 by its order dated 7th October, 2016 in C.R. No. 57/2015 registered with the Anti Corruption Bureau Mumbai. The said condition reads as under :-

(c) *“The accused shall not travel to the foreign country without permission of the Court.”*

2) The learned counsel for the applicants submitted that the said C.R. No. 57 of 2015 is an offshoot of C.R. No. 123 of 2015 registered with Kopri Police Station, Thane under various sections of the Indian Penal Code and the provisions of the Prevention of Corruption Act, 1988. He submitted that in the said crime, applicants have been ordered to be released on bail by this Court by its order dated 30th November, 2015 in B.A. No. 2021 of 2015, and no such condition has been imposed upon the applicants. He further submitted that the applicants are businessmen and require to travel abroad frequently and therefore seeking permission on every occasion at last moment from the Trial Court, causes difficulty for them resulting in a great hardship and therefore the said condition may be waived.

3) The learned APP, on instructions from the Investigating Officer, conceded to the aforesaid facts and submitted that appropriate orders may be passed in the interest of justice.

4) The record indicates that since the date of

passing of the said order i.e. since 7th October, 2016, the applicants had gone abroad by taking permission from the concerned Court and it appears that the applicants have complied with the said condition imposed upon them till today.

5) In view of the submissions made by the learned counsel for the applicants, I am inclined to waive the said condition.

6) In view thereof, the aforesaid condition No. (c) is waived from today.

7) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)