

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.376 OF 2018
IN
CRIMINAL BAIL APPLICATION NO.437 OF 2013

Pradeep Kanayalal Pandey, Age 44 years,
Occ.Nil, R/o.402, Plot No.425, Sector-1,
Ghansoli, Navi Mumbai-400 701.

Applicant

versus

The State of Maharashtra

Respondent

Mr.P.R.Yadav for applicant.
Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.
DATE : 11th December 2018

PC :

1. Not on board. Upon mentioning production of papers is permitted.

2. This is an application for modification of order dated 16th April 2018 passed by this Court in Bail Application No.437 of 2013. The applicant was directed to be released on bail in connection with CR No.87 of 2007 investigated by GBCB, CID, EOW, Unit-IV for the alleged offences punishable under Sections 409, 255, 260, 465, 467, 468, 471, 420 and 120B of Indian Penal Code. While granting bail several conditions were imposed. The applicant seeks relaxation of conditions relating to reporting and not to leave Mumbai and Thane districts. The applicant was directed to report GBCB CID, EOW, Unit-IV once in a fortnight on Saturday between 10 am and 12 noon till trial is over and it was further directed that the applicant shall not leave Mumbai and Thane Districts without prior permission of the Trial Court.

3. Learned advocate for applicant submitted that the applicant has complied the condition of reporting after he was released on bail. He has been attending the investigating authority since last five years. He has annexed the photocopies of acknowledgements issued by the investigating agency with reference to his attendance. It is further submitted that the applicant is residing at the address mentioned in clause-2 of the operative part of the order dated 16th April 2013. It is submitted that condition of not to leave Mumbai and Thane Districts may also be modified and by replacing that the applicant may be directed not leave India without prior permission of Trial Court till conclusion of trial.

4. I have perused the order dated 16th April 2013. It is not disputed that the applicant has attended the office of investigating agency as directed by this Court. It is not the case of prosecution that the applicant has committed breach of any conditions imposed vide aforesaid order. It is submitted that the applicant has been attending the Trial Court regularly on the dates of hearing of the case. The trial has not commenced. Even charge has not been framed. In the circumstances there is no impediment in modifying the order dated 16th April 2013.

5. Hence, I pass following order :

ORDER

- (i) The order dated 16th April 2013 passed by this Court in Bail Application No.437 of 2013 is modified by deleting the condition no. (iii) of reporting CBCB CID, EOW, Unit-IV;

- (ii) The other condition no.(iv) of not to leave Mumbai and Thane Districts without permission of Trial Court, is also modified and the applicant is directed that he shall not leave India without prior permission of Trial Court;
- (iii) The applicant is further directed to give details of his permanent place of residence to the investigating agency and shall not change his residence without prior intimation to the investigating agency;
- (iv) Criminal Application No.376 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST