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

**BAIL APPLICATION NO.1388 OF 2018**

MANOJ KUMAROMPRAKASH MATHUR

**..Applicant**

**Vs**

THE STATE OF MAHARASHTRA & ANR.

**..Respondent**

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Mr. Gulestan Dubash a/w Harshad Damania for applicant.

Mr. Ameet Palkar, APP for State.

Ms. Ameeta Kuttikrishnan for CBI.

**CORAM : A.S.GADKARI, J.**

**DATE : 2<sup>nd</sup> July 2018.**

**P.C.:**

1] This is an application for bail in C.B.I. Special Case No.35 of 2012 pending on the file of learned Special Judge (CBI) Greater Mumbai.

2] Heard the learned Counsel for the applicant, the learned Counsel for the CBI and the learned APP. Perused the papers of investigation.

3] In the present case, the applicant was released on bail on 26.10.2010. After completion of investigation, the Investigating Agency submitted chargesheet which has now culminated into Special Case No.35 of 2012. As the applicant did not remain present before the Trial Court on

five consecutive occasions, a non-bailable warrant was issued against him by the Special Court. The non-bailable warrant was executed on 24.5.2018 and the applicant came to be arrested from Coimbatore, State of Tamil Nadu. The Trial Court rejected the application for bail of the applicant on the ground that due to non-cooperation of the applicant, the trial in the case is delayed.

4] The learned Counsel for the applicant submitted that, the applicant is suffering from various ailments which precluded him from attending the Trial Court on various dates. The learned Special P.P for C.B.I. submitted that the ailments of the applicant and the documents produced on record are of very old. However, she submitted that, appropriate orders may be passed in the interest of justice.

5] After taking into consideration the peculiar facts and circumstances of the present case, and in the interest of justice I am inclined to release the applicant on bail.

Hence the following Order:-

i] Applicant be released on bail in C.B.I Special Case No.35 of 2012 on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] Before his release from jail, the applicant shall provide the documentary proof of his residence of Coimbatore, State of Tamil Nadu to the Investigating Agency.

Iii] Applicant shall also attend all the dates before the Trial Court without any excuse. In case of medical exigency, the applicant shall file an application for exemption on that particular date through his Advocate.

6] Application is allowed in the aforesaid terms.

**(A.S.GADKARI, J.)**