

Anand

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

CRIMINAL APPLICATION NO. 371 OF 2017

Antim Bhagwandas Totla .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. S. R. Mithare, Advocate, for the Applicant

Mr. V. Chate, APP, for the Respondent No. 1 – State

Mr. D. P. Singh, Advocate, for the Respondent No. 2 – CBI

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CORAM : REVATI MOHITE DERE, J.

DATE : 08.02.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant has impugned the Order dated 09.10.2015 passed by the learned Additional Sessions Judge, Greater Bombay in Cri. Revn. Appln. No. 1213 of 2013 in C. C. No. 202 / PW / 2008, by which the learned Judge directed the Applicant to attend the office of the CBI, E.O.W., Mumbai once in a fortnight, till the conclusion of the trial.

3. Perused the papers. The Applicant was arrested in connection with C. R. No. 223 of 2005 registered with the Wagle Estate

Police Station, Thane for the offences punishable under Sections 120B, 420, 465, 467, 468, 471 & 477(a) of the Indian Penal Code and under Sections 3 & 7 of the Essential Commodities Act. The investigation in the said case was subsequently transferred to the CBI, E.O.W., Mumbai and the C. R. was re-numbered as C. R. No. 123 of 2005. The Applicant was arrested on 23.12.2005 and was enlarged on bail on 26.03.2013 by the learned Addl. Chief Metropolitan Magistrate, 19th Court, Esplanade, Mumbai. The learned Magistrate was pleased to grant provisional cash bail of four weeks with the condition that the Applicant attend the Khar Police Station, Mumbai once in a week until further orders. The said order was challenged by the Applicant in Revision Application inasmuch as, it directed the Applicant to attend the Khar Police Station, Mumbai once in a week until further orders. The Revisional Court dismissed the Application, however, modified the condition of attendance from once in a week until further orders, to once in a fortnight until the conclusion of the trial, and the Applicant was directed to attend the office of the CBI, E.O.W, Mumbai. It is not in dispute, that the Applicant was attending the Khar Police Station after he was enlarged on bail and thereafter, the office of the CBI, E.O.W., Mumbai. The case against the Applicant is pending in the trial Court. It is informed that charge has not been framed till date.

4. Accordingly, the Application is allowed on the following terms & conditions :-

ORDER

(i) The impugned Order dated 09.10.2015 passed by the learned Additional Sessions Judge, Greater Bombay in Cri. Revn. Appln. No. 1213 of 2013 in C. C. No. 202 / PW / 2008 directing the Applicant to attend the office of the CBI, E.O.W., Mumbai once in a fortnight till the conclusion of the trial is quashed & set aside;

(ii) The Applicant shall file an undertaking stating therein that he will attend the trial Court on every date himself or through his Advocate and he will co-operate in the conduct of the trial;

(iii) The said undertaking shall be filed within two weeks from today;

(iv) It is made clear that if in the eventuality of failure to attend any two consecutive dates, the trial Court is at liberty to take appropriate steps as against the Applicant to secure his presence.

5. The Application is disposed of in the aforesaid terms.

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

(REVATI MOHITE DERE, J.)