

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

**CRIMINAL APPLICATION NO. 909 OF 2018
IN
BAIL APPLICATION NO. 248 OF 2018**

Chhagan C. Bhujbal

.. Applicant

Vs.

Assistant Director,

Directorate of Enforcement & Anr

.. Respondents

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Mr. Prasad Ddhakephalkar, Senior Advocate, a/w Mr. Sajal Yadav,
i/b Mr. Shalabh K. Saxena, Advocate for the Applicant.

Mrs. Geeta D. Mulekar, APP for the Respondent – State.

Mr. H. S. Venegaonkar, for Respondent No.2.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 4, 2018.

P.C. :

This is an application for relaxation of condition stipulated in order dated 4th May, 2018, passed by this Court while granting bail to the applicant. In accordance with the said order, the applicant has been directed not to leave jurisdiction of Mumbai city without obtaining prior permission from the trial Court.

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Learned counsel for the applicant submitted that in

pursuant to the order granting bail, the applicant had preferred applications before the trial Court, seeking permission to travel beyond the jurisdiction of Mumbai city and those applications were allowed by the trial Court. It is submitted that whenever the applicant is required to leave the jurisdiction of Mumbai city, he has to prefer an application before the said Court seeking the said relief. It is submitted that the applicant is a senior leader of Nationalist Congress Party and is a sitting MLA from Yeola constituency. It is submitted that the applicant being a sitting MLA and in order to discharge his duties as a MLA required to visit his constituency regularly. He is required to visit his constituency on short notice for social or political events or even in the case of kind of emergency situation. It is further submitted that he is the Founder and Chairman of Akhil Bharatiya Mahatma Phule Samata Parishad which is a Pan India organization which aims towards upliftment and growth of certain oppressed sections of the society. Applicant has always headed its meeting and public gatherings since its inception in 1992. The applicant has provided the list of meetings and gatherings, which the applicant had attended in the past. The said meetings have taken place even outside Maharashtra as illustrated in the said table reflected in this application. It is submitted that besides his

political duties the applicant has his cases and litigations before Adjudicating/Appellate Authority, New Delhi established under the PLMLA Act. The details of the cases are also mentioned in the application. It is submitted that the conditions put forth by the Court that restricting the applicant in the geographical limits of Mumbai prevents him from discharging his official duties, as a Member of Legislative Assembly. It is submitted that the applicant was in custody for a period of about 26 months and the Enforcement Directorate had attached various properties of the applicant. The Adjudicating Authority as well as the Appellate Tribunal to adjudicate upon the attachment are situated in New Delhi, and, being politician needs to travel to Delhi. It is submitted that within short notice applicant is required to travel beyond the State of Maharashtra. He has surrendered his Passport with investigating agency. It is, therefore, prayed that the condition as stated above may be relaxed. Mr.Venegaonkar, learned counsel appearing for respondent-Directorate of Enforcement submitted relaxation as prayed for may not be granted. He submitted that while adjudicating application for bail, the applicant had submitted that court may impose any condition for granting bail. It is submitted that the properties which are the crimes of proceeds are situated beyond the State of

Maharashtra, and, therefore, there is an apprehension that the applicant might tamper with the said properties and hence, prayer for modification of order be rejected.

3 I have perused the order granting bail passed by this Court. For the reasons stated therein, the said application was allowed with certain conditions. From the operative part of the said order granting bail it is apparent that the applicant has been directed to surrender his passport with the Investigating Agency. The learned counsel for applicant, on instructions, submitted that the passport is already submitted to the Investigating Agency and the same is in their possession. Several other accused arrested in this case are granted bail. This Court while granting bail had directed that the applicant shall not leave Mumbai without permission from the Court. There was no total prohibition to travel beyond Mumbai city. Learned counsel brought to my notice the orders passed by the trial Court allowing the applicant to travel beyond the Mumbai city and in pursuant to the said orders, the applicant had indeed travelled beyond the State of Maharashtra and has thereafter returned to Mumbai. On perusal of said orders, it is evident that applicant was permitted to leave Pune, Nagpur, Nashik, Ahmednagar and Delhi. The order

granting bail also stipulates several other conditions which has been complied by the applicant. The other condition imposed while granting bail includes not to make any inducement, threat or promise to any person acquainted with facts of case to dissuade him to disclose such facts to the Court or to any other authority, to mark his presence with respondent no.1, till commencement of trial, to remain present before trial Court on fixed dates with liberty to prosecution to take recourse as available under law for violation of conditions. It is not reported that while the applicant was granted permission by trial Court and the applicant having availed of the said facility, he has tampered with evidence or any property allegedly concerned with crime. It is also pertinent to note that the applicant was in custody from 14th Mach, 2016 to 4th May, 2018. The investigation had proceeded since then. Subsequently, the applicant and co-accused Samir Bhujbal were granted bail by this Court. Taking into consideration the overall circumstances and for the reasons stated hereinabove, there is no impediment in allowing the applicant to travel beyond city of Mumbai. The applicant is, however, directed to intimate the Investigating Agency the details about his travel as and when he intends to travel beyond the jurisdiction of State of Maharashtra. It is made clear that by this

order this Court has not permitted the applicant to travel beyond India.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Application No.909 of 2018, is allowed:
- (ii) The conditions imposed by this Court vide order dated 4th May, 2018, directing the applicant not to leave the jurisdiction of Mumbai without obtaining prior permission of the said Court, is deleted;
- (iii) Applicant is directed to intimate the Investigating Agency as and when he travels beyond the State of Maharashtra about details of his travel and contact numbers to the Investigating Agency;
- (iv) Criminal Application No.909 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)