

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.430 OF 2018

Yoginder Sharma	Applicant
versus	
The Directorate of Revenue Intelligence, Mumbai and others	Respondents

Mr.Mandar M. Goswami for applicant.
Mr.Francis E. Saldhana for DRI.
Ms.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 10th September 2018

PC :

1. This is an application for relaxation of condition imposed while granting bail to the applicant vide order dated 16th September 2017 passed by the District Judge-IV and Additional Sessions Judge, Thane.

2. The applicant had preferred an application for bail before the aforesaid Court which was allowed vide order dated 16th September 2017. The applicant was released on his executing PR and SB of Rs.50,000/- with one solvent surety of like amount. The applicant was directed to attend office of DRI at Mumbai on every first day of English calender month until further orders. The applicant was also directed to file photo identity, address proof of self and his two close relatives with contact numbers. The applicant was directed not to leave the jurisdiction of Trial Court without prior permission until further orders.

3. It is submitted that the applicant had adhered to all the conditions imposed by learned Judge while granting bail. He was released on bail and thereafter he has attended the office of DRI as stipulated in clause (4) of the operative order. The applicant had preferred an application for relaxation of condition no.(3) of the order viz. The applicant shall not leave jurisdiction of District Judge-4 and Additional Sessions Judge without prior permission until further orders. The said application was rejected by learned Sessions Judge vide order dated 16th February 2018. While rejecting the said application, it was observed that considering the peculiar facts, the condition was imposed while granting bail to secure his presence. Hence, the said condition cannot be relaxed. It is submitted that whenever the applicant is required to visit his native place at Chandigarh, he is required to make an application. It is submitted that whenever applicant was required to visit at Chandigarh, he had preferred applications before the Sessions Judge, which were granted. It is thus submitted that to avoid filing of such applications repeatedly, the condition No.(3) of the operative part of order dated 16th September 2017 may be relaxed. It is submitted that the applicant is permanent resident of the address given in the cause title of this application. It is submitted that he would comply with the condition imposed vide clause (4) of the operative part of order dated 16th September 2017 and would also diligently attend the Sessions Court as and when matter appears for hearing before the said Court.

4. Learned counsel for respondent-DRI has tendered reply to this application. The DRI has opposed the grant of relief prayed in this

application. It is submitted that considering the gravity of the case and the role played by the applicant, relaxation of condition may not be granted. However, it is not disputed that the applicant had attended the office of DRI as directed by the learned Sessions Judge while granting bail.

5. The address of the applicant mentioned in the cause title of this application has been verified to be correct. It is also not disputed that the applicant had been permitted by the Sessions Court to visit Chandigarh and he has complied with the said orders. The investigation is completed and proceedings are pending before the District Judge-4 and Additional Sessions Judge, Thane. The applicant has been attending the Sessions Judge whenever the matter is fixed for hearing.

6. Considering the aforesaid circumstances, there is no impediment in relaxing condition No.(3) of the operative part of order dated 16th September 2017 passed in NDPS Case No.48 of 2017. Hence, I pass following order :

ORDER

(i) Criminal Application No.430 of 2018 is allowed and disposed off;

(ii) Condition no.(3) of operative part of order dated 16th September 2017 viz “the applicant shall not leave jurisdiction of this Court without prior permission of this Court until further orders”, is relaxed;

(iii) The applicant, however, shall diligently comply with condition no.(4) of operative part of order dated 16th September 2017 and shall also appear before the learned District Judge-4 and Additional Sessions Judge, Thane in NDPS Case No.48 of 2017 on every date of hearing unless specifically exempted by the said Court for any reason.

(PRAKASH D. NAIK, J.)

MST