

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

**CRIMINAL APPLICATION NO.482 OF 2018**

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|----------------------|---------------|
| Subrata Ghosh        | .. Applicant  |
| <b>Vs.</b>           |               |
| State of Maharashtra | .. Respondent |

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Mr.Chetan Alia, Advocate for the Applicant.  
Ms.A.A. Takalkar, APP for the Respondent – State.  
Mr.Rajendra D. Khot, PSI, Airport Police Station, present.

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : SEPTEMBER 4, 2018.**

**P.C. :**

This is an application for relaxation of condition imposed by the Additional Sessions Judge, Dindoshi, vide order dated 20<sup>th</sup> July, 2018.

2           Applicant was granted anticipatory bail by the Sessions Court on 20<sup>th</sup> July, 2018. While allowing the said application, it was observed that the main allegations are made against son of the applicant, who had dishonestly induced and cheated the complainant for an amount of Rs.57,40,500/-. The condition, stipulated in order dated 20<sup>th</sup> July, 2018, indicate that

the applicant shall co-operate with the investigating agency and he shall attend the concerned police station on 2<sup>nd</sup> and 4<sup>th</sup> Saturday of every month between 11:00 a.m. to 2:00 p.m., till filing of charge - sheet. It is also directed that the applicant shall not leave the jurisdiction of Court, without prior permission.

3            Learned advocate for the applicant further submits that he has complied the directions of reporting the police station, till date. However, the applicant has difficulty in complying the said condition further. It is submitted that during the hearing of the application for anticipatory bail before the Sessions Court, the applicant had submitted that the applicant is the permanent resident of Kolkata and it will be difficult for him to reside permanently within the jurisdiction of Court. It is further submitted that the applicant is retired employee of Airport Authority of India as Deputy General Manager. He was occupying Guest House of Airport Authority. He is required to vacate the same. In the circumstances, it will be difficult for him to reside in Mumbai. It is, therefore, submitted that the conditions, as stated above be relaxed. Learned advocate tendered the document setting out his permanent address viz. Aadhar Card. Learned APP, on instructions, submits that the

police had verified the said address and had confirmed that the permanent address of the applicant mentioned in the cause title of the applicatio. Learned APP submitted that son of the applicant is still absconding and the applicant be directed to report the concerned police station once in a month till filing of the charge - sheet.

4           In the circumstances, the prayer for relaxation of condition can be allowed on following terms:

**:: ORDER ::**

- (i) Criminal Application No.482 of 2018, is allowed;
- (ii) The order dated 20<sup>th</sup> July, 2018, passed by the Additional Sessions Judge, Dindoshi, in ABA No.786 of 2018, is modified to the extend mentioned herein;
- (ii) The applicant is directed to report the investigating officer of the concerned police station once in a month on first Saturday between 10:00 a.m. to 12:00 noon, till filing of the charge - sheet;

(iii) The condition that the applicant shall not leave the jurisdiction of this Court without prior permission is relaxed and set aside;

(iv) The applicant shall provide the details of his address to the investigating officer. In the event there is any change in the address, the same shall be intimated to the investigating officer. The applicant is also directed to provide his mobile number to the investigating officer.

**(PRAKASH D. NAIK, J.)**