

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1081 OF 2018
IN
CRIMINAL BAIL APPLICATION NO.517 OF 2018

Arvind Sethi, Age 58 years,
R/o.At 404, Natraj Apartments,
Sodawala Lane, Borivali (W),
Mumbai-400 092.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Prashant G. Pandey for applicant.

Mr.S.R.Agarkar, APP, for State.

Ms.Ameeta Kuttikrishnan for CBI.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th November 2018

PC :

1. This is an application for modification of order dated 10th April 2018 passed by this Court in Bail Application No.517 of 2018. It is prayed that the passport of the applicant deposited before the Trial Court be returned to him. It is further prayed that the condition imposed to report respondent CBI stipulated in clause (b) of the operative order dated 10th July 2018 be relaxed.

2. The applicant had preferred application for temporary bail before this Court on the ground of death of his mother viz Bail Application No.517 of 2018. The said application was allowed vide order dated 10th April 2018 directing that the applicant be released on cash bail in the sum of Rs.20,000/- from 10th April 2018 to 23rd April 2018. He was directed to deposit passport before appropriate

Court before he was released on bail. Subsequently Bail Application No.517 of 2018 was allowed on merits vide order dated 10th July 2018 directing that the applicant and the co-accused be released on bail on their furnishing PR bond in the sum of Rs.25,000/- with one or two local solvent sureties in the like amount. The applicant was directed to attend CBI, EOW on every first Monday of the month between 11 am and 1 pm till conclusion of trial.

3. It is not disputed that the applicant has complied with condition (b) that is reporting CBI, EOW, Mumbai stipulated in order dated 10th July 2018. The passport of the applicant was directed to be deposited in accordance with order dated 10th April 2018 wherein the applicant was granted bail for temporary period. However, while allowing the application for bail by order dated 10th July 2018, no such condition of depositing the passport before the Trial Court was imposed. The passport, however, continues to be deposited in the Trial Court in view of order dated 10th April 2018.

4. In the light of aforesaid circumstances, the order dated 10th July 2018 can be modified. Hence, I pass following order :

ORDER

(i) The passport of the applicant deposited with the Trial Court in accordance with order dated 10th April 2018 in Bail Application No.517 of 2018 be returned to the applicant;

(ii) The condition imposed vide order dated 10th July 2018 in Bail Application No.517 of 2018 directing the applicant to report CBI, EOW, Mumbai on every first Monday of the month between 11 am to 1 pm till conclusion of trial, stands relaxed;

- (iii) The other conditions stipulated in operative part of order dated 10th July 2018 shall remain intact;
- (iv) The applicant is permitted to withdraw cash amount of Rs.20,000/- which was deposited before the Trial Court in execution of order dated 10th April 2018. The State to act accordingly;
- (v) Criminal Application No.1081 of 2018 stands disposed off.

(PRAKASH D. NAIK, J.)

MST