

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

**CRIMINAL APPLICATION NO. 1141 OF 2018
IN
BAIL APPLICATION NO. 499 OF 2018**

Subhas Kumar Roy	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Kunal D. Ambulkar, Advocate for the applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.

...
**CORAM : PRAKASH D. NAIK, J.
DATE : 28th SEPTEMBER, 2018**

P.C.

1. This is an application for relaxation/modification of condition imposed vide order dated 10th July, 2018 passed by this Court in Criminal Bail Application No. 499 of 2018. The applicant was granted bail by this Court in CBI Special Case No. 4 of 2018 arising out of FIR No. RC0682017E004 of 2017 dated 31st August, 2017 for offences punishable under Sections 406, 409, 420, 465, 467, 468, 471 read with 120 B of Indian Penal Code alongwith Section 13(2), 13(1)(d) of Prevention of Corruption Act, 1988 registered with CBI EOW Mumbai.

2. The applicant was directed to be released on bail in the

aforesaid offences on furnishing P.R. Bond of Rs.25,000/- with one or two separate solvent local sureties in the like amount. It was further directed that the applicant after his release from jail shall attend the office of CBI, EOW Mumbai on every first Monday of the month between 11 a.m. and 1 p.m. till the conclusion of trial. The applicant was also directed to attend all the dates before the trial Court unless precluded on medical reasons. It was also directed that applicant shall not temper with the evidence and/or pressurise the prosecution witnesses.

3. Learned advocate for the applicant submitted that the applicant has abided by the order dated 10th July, 2018. The applicant has attended the office of CBI, EOW, Mumbai. It is submitted that the applicant is a resident of Kolkata having no relative or friends in Mumbai. The applicant is also suffering from medical conditions such as Diabetics, mellitus, essential hypertension, Ischamic heart disease, unstable angina, cellulites, left ankle and CVA left sided hemi paresis with residual palsy due to which the applicant has been recommended by his Doctor not to stay alone and travel long distance. Hence, it is extremely difficult and hectic for applicant to come all the way from Kolkata to Mumbai once in every month to attend the office of CBI, EOW,

Mumbai. The applicant has annexed the copies of the documents demonstrating his residential proof. It is further submitted that the applicant has been attending the trial Court either himself or through his advocate and would continue to do the same. It is therefore submitted that the condition of attendance before the office of CBI as directed in the order 10th July, 2018 be relaxed.

4. The applicant was arrested on 1st February, 2018. Thereafter, the applicant had preferred bail application No. 499 of 2018 before this Court which was allowed vide order dated 10th July, 2018. Apparently, the applicant has attended the office of CBI, EOW which is evident from the photocopy of the diary maintained by the applicant demonstrating his attendance which has been annexed to this application. The applicant has also annexed the photocopy of the Aadhar Card and the voter identity card which shows the applicant is the resident of Kolkata. While granting bail this Court had also directed that the applicant shall attend all dates before the trial Court unless precluded on medical reasons. The applicant is suffering from illness which is apparent from the medical case papers which are annexed to this application. In this circumstance, there is no impediment in relaxing the condition. The applicant shall however strictly adhere

to the condition of attending the trial Court on the date of the hearing of the case as enumerated in the order dated 10th July, 2018. Hence, I pass the following order.

ORDER

- i) Criminal Application No. 1141 of 2018 is allowed.
- ii) The conditions of attending office of CBI EOW, Mumbai on every first of the Monday between 11 a.m. and 1 p.m till the conclusion of the trial is relaxed/deleted;
- iii) The other conditions shall remain intact.
- iv) Criminal Application No. 1141 of 2018 stands disposed of.

(PRAKASH D. NAIK, J.)

Sachidanand
Kuttan Nair

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