

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.542 OF 2018

Muhammed Junaid Sayyed Mushtaq,
Age 24 years, R/o.Room No.34,
Naushad House, 26, M.V.Chotani Marg,
Mumbai-400 003.

Applicant

versus

The Directorate of Revenue Intelligence
and another

Respondents

Ms.Zehra Charania for applicant.
Mr.N.Natarajan for DRI.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th October 2018

PC :

1. This is an application for modification of conditions of attendance at the office of Directorate of Revenue Intelligence ('DRI'). It is also prayed that condition of not leaving India without prior permission of the Court be relaxed.

2. The applicant was granted bail vide order dated 24-11-2017 passed by Sessions Court in Bail Application No.1843 of 2017. While granting bail the applicant was directed to attend office of DRI Zonal Unit everyday from 11 am to 2 p.m.. He was also directed to make himself available for interrogation by DRI officials as and when required under written intimation till further orders. It was further directed that the applicant shall not leave Mumbai without prior permission of the Court. Subsequently the applicant had preferred application for modification of the said order before Sessions Court.

Miscellaneous Application No.2276 of 2017 was allowed by order dated 6th January 2018 by modifying the condition of attendance and the applicant was directed to attend DRI office twice in a week i.e. on Monday and Friday between 11 to 2 p.m.. Pursuant to that the applicant preferred another application being Miscellaneous Application No.179 of 2018 before the Sessions Court seeking relaxation of condition. Learned Sessions Judge by order dated 24-1-2018 allowed the said application by modifying the order dated 24-11-2017 and applicant was directed to attend DRI office once in a month on first Monday between 11 am to 2 p.m alongwith his advocate. Thereafter the applicant preferred Miscellaneous Application No.1171 of 2018 before the Sessions Court and prayed for relaxation of condition of reporting as well as condition of not to leave Mumbai. The said application was granted on 24-7-2018.

3. Learned counsel for applicant submitted that the applicant has attended DRI in accordance with the orders passed by the Courts. There is no need to further attend the office of DRI. The adjudication proceedings are yet to begin. The show cause notice has been issued and the applicant would co-operate in the said proceedings. It is further submitted that the co-accused were granted bail by the Sessions Court who were directed to attend the office of DRI only for two weeks. The co-accused are the brother and father of applicant. It is further submitted that the said accused were directed not to leave country without prior permission of India and were also allowed to retain their passports until further orders. It is submitted that there was no condition of not to leave Mumbai qua other accused.

4. Learned counsel for respondent submitted that the presence of applicant is required at the office of DRI. The applicant has not co-operated with the agency nor complied with the condition of reporting. It is submitted that adjudication proceedings would begin shortly as show cause notice has been issued. Therefore, presence of the applicant is required to be secured. The applicant is involved in serious crime. It is therefore submitted that the application may be rejected. It is also submitted that the father of applicant has been detained under the provisions of COFEPOSA Act.

5. I have perused the orders passed by Sessions Court. The applicant was granted bail vide order dated 24-11-2017. The applicant was directed to attend office of DRI. He was also directed not to leave Mumbai without prior permission of the Court. The condition was modified thereafter. According to applicant he has reported DRI on several occasions and further attendance is not necessary. It is also pertinent to note that the co-accused were directed not to leave India without prior permission of the Court. It is submitted that similar condition can be imposed qua applicant but the condition of not to leave Mumbai may be relaxed. It is further submitted that passport of the applicant is already in the custody of investigating agency.

6. Considering the aforesaid circumstances, the condition of reporting can be relaxed. Condition not to leave Mumbai can also be relaxed. Accordingly, it is directed that the condition imposed by the Sessions Court vide order dated 24-11-2017 passed in Bail Application No.1843 of 2017, which was subsequently modified, is

relaxed. The condition to report office of DRI once in a month stands relaxed and deleted. The condition imposed by the Sessions Court that applicant shall not leave jurisdiction of Mumbai also stands relaxed with condition that the applicant shall not leave India without prior permission of the Sessions Court. Criminal Application No.542 of 2018 stands disposed off in above terms.

(PRAKASH D. NAIK, J.)

MST