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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 3226/2016 and CrI.M.A.507/2017

ABHISHEK VERMA THR. HIS WIFE/PEROKAR ANCA VERMA

..... Petitioner

Through: Mr. Maninder Singh, Advocate with
Mr. Dinhar Takiar, Mr. Sankalp
Kohli, Ms. Aekta Vats, & Mr. Anuj
Singh, Advs.

versus

C B I

..... Respondent

Through: Mr. Sanjeev Bhandari, Special PP
with Mr. Prateek Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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29.10.2018

The petitioner is facing prosecution in the case involving offences punishable under Sections 3 and 9 of the Official Secret Act, 1923, the evidence relied upon in which case was gathered during investigation by Central Bureau of Investigation (CBI) in its RC No.2A/2006/ACU-IX-CBI, New Delhi. The petitioner was arrested in the course of investigation into the said FIR and he applied for bail by bail application No.2546/2007 which was allowed by a learned Single Judge of this court by order dated 30.05.2008, reported as *Abhishek Verma vs. Central Bureau of Investigation*, 2009 (1) JCC 149. One of the conditions imposed by the said order was to require the petitioner to appear before the trial court on second and fourth Monday of every month and also on each date the case is fixed

before the trial court and further to furnish on each occasion his correct current address.

The petitioner later moved an application (CrI.M.A.12968/2010) in the context of bail application No.2546/2007. The said application was allowed by order dated 02.11.2010 by a learned Single Judge of this court wherein the above-mentioned condition was partially modified, the petitioner being required to mark his appearance on second and fourth Monday of every month not before the trial court but at Police Station Vasant Kunj, Delhi within whose local jurisdiction he was stated to be residing. The said condition has continued till date.

The petitioner has come up with the present petition under Section 482 read with Section 440 Cr.P.C. seeking further modification of the conditions of said bail order, at the hearing he pressing only to be relieved of the rigour of the condition requiring he to mark his attendance in the Police Station in the manner aforesaid.

At the hearing, it was fairly conceded that cognizance having been taken in the case, it is now at the stage of trial, after framing of charge, prosecution being in midst of adducing its evidence. There is no case of any breach of conditions of the bail order on the part of the petitioner till date.

Given the above mentioned facts and circumstances, wherein the petitioner would be obliged to continue appear before the trial court on each and every date of hearing fixed, there is no reason why simultaneously he should be put to the responsibility of continuing to mark his presence in the Police Station. The condition in the bail order requiring such marking of attendance at the Police Station is dispensed with, this, subject to the

condition that the petitioner will communicate to the trial court and also to the prosecuting agency/investigating agency change of his address, if any.

The petition and the application filed therewith stand disposed of with these directions.

Dasti.

OCTOBER 29, 2018

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R.K.GAUBA, J.