

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO. 645 OF 2019  
IN  
CRIMINAL APPLICATION NO. 469 OF 2018  
IN  
CRIMINAL APPEAL NO. 296 OF 2018**

|                                        |                |
|----------------------------------------|----------------|
| Abhishek Kailash Dadhia                | ...Applicant   |
| Versus                                 |                |
| Central Bureau of Investigation & Anr. | ...Respondents |

Ms. Aishwarya Pagare I/b M/s. Rajeev Sawant & Associates for the Applicant

Mr. Sandesh D. Patil for the Respondent No. 1-CBI

Mr. S. V. Gavand, A.P.P for the Respondent No.2-State

**CORAM : REVATI MOHITE DERE, J.**  
**FRIDAY, 26<sup>th</sup> APRIL 2019**

**P.C. :**

1            Heard learned counsel for the parties.

2            By this application, the applicant seeks modification of clause (c) of para 4 of the order dated 28<sup>th</sup> March 2018 passed by this Court (Coram : A. S. Gadkari, J.) in Criminal Application No. 469/2018. Para 4 clause (c), of which modification is sought, reads as thus :

*“4.(c) During the pendency of the appeal, the applicant shall mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00 p.m. If the said Monday is Court holiday/public holiday, the applicant shall mark his presence on immediate next date.”*

3            Learned counsel for the applicant states that the applicant is working as a Regional Manager with Cinebells located at Khar, Mumbai. She states that the applicant is required to travel all over Maharashtra in connection with his work. She submits that therefore, it is inconvenient for the applicant to mark his presence as directed by this Court on every first Monday of the month. She further submits that this Court has relaxed/modified the condition of other co-accused in the said case.

4            Learned counsel for the respondent No. 1-CBI does not dispute the fact that the condition as far as other co-accused, has been relaxed. Learned A.P.P does not dispute the fact that the applicant has been attending the trial Court as directed by this Court vide clause (c) of the order dated 28<sup>th</sup> March 2018.

5           Perused the papers. It is not in dispute that the applicant has complied with the order directing him to mark his presence before the trial Court on first Monday of every month, till date. It appears that the applicant is working as a Regional Manager of Cinebells and is required to travel for official purpose.

6           Considering the aforesaid, the application is allowed and the condition in clause (c) of para 4 of the order dated 28<sup>th</sup> March 2018 is modified to the extent that the applicant shall now mark his presence once in 6 months on the date and time given by the trial Court. If there are two consecutive defaults to mark his presence as directed by the trial Court, the learned Judge shall make a report to this Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

7           Application is disposed of accordingly.

**REVATI MOHITE DERE, J.**