

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

CRIMINAL BAIL APPLICATION NO.534 OF 2021

Abhishek Ramsingh Handa @ Lucky .. Applicant

Vs.

The State Of Maharashtra .. Respondent

Mr.Shantanu Phanse,i/b. Mr. Sarfaraz Khalife, Advocate for
Applicant.

Ms. Anamika Malhotra, A.P.P. for the State-Respondent.

Digitally signed
by
DNYANESHWAR
ASHOK ETHAPE
Date: 2021.07.20
11:34:00 +0530

**CORAM : PRAKASH D. NAIK, J.
DATE : 2nd JULY, 2021**

PC.

1. The Applicant had preferred application for bail before the Court of Additional Session Judge, Vasai under Section 167(2) of Code of Criminal Procedure, 1973 (for short "Cr.P.C."). The said application was rejected by order dated 04.01.2021.

2. The applicant was arrested on 03.11.2020 in connection with C.R. No.I-384 of 2019 registered with Nalasopara Police Station for the offences punishable under Sections 420 read with 34 of the Indian Penal Code (for short "IPC"). Section 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (for short "MPID" Act) and Section 3, 4 and 13 of the Maharashtra Ownership of Flats Act, 1963 (for short "MOFA").

3. Pursuant to the arrest, the applicant was produced before the Court of Additional Sessions Judge on 04.11.2020. He was remanded to police custody till 09.11.2020. He was again produced before the Court for subsequent remand on 09.11.2020. He was remanded to Judicial custody. The applicant preferred application for bail under Section 167(2) of Cr.P.C. on 04.01.2021. The applicant contended that he was remanded to custody on the first remand i.e. on 04.11.2020 and since then applicant is in custody. He has completed the period of 60 days in custody from the first date of remand on 02.01.2021. The applicant preferred application for default bail on 62nd days. Hence the applicant is entitled for bail under Section 167(2) of Cr.P.C.

4. On 04.01.2021, at 01:25 p.m. the learned Additional Sessions Judge passed the order “call for report from O.S. Immediately”. Thereafter, on the same day at 04:15 p.m., the Court passed the order “learned APP orally submitted that, charge-sheet has come and it is being filed on that day. Call report of the O.S. immediately”.

5. Learned Sessions Judge while rejecting the application vide order dated 04.01.2021 observed that the 60th day was yesterday i.e. 03.01.2021, which was Sunday. Therefore, the police would file charge-sheet today i.e. on the next working day after Sunday. Hence, under such circumstances, the applicant

accused cannot be given benefit under Section 167(2) of Cr.P.C. It was further observed that on Sunday the office of the Court was closed where the charge-sheet is normally filed and therefore notionally the charge-sheet which is filed on the next working day shall have to be deemed to be without delay.

6. It is not disputed that the statutory period of filing charge-sheet in the present case was 60 days. The applicant was firstly remanded to custody on 04.11.2020. The 60th day was on 02.01.2021. The learned Judge has miscalculated the period of custody from first day of remand. The Court had observed that 60th day was on 03.01.2021 which was Sunday. In fact 60th day was on 02.01.2021 which was Saturday. It is not disputed that application for bail was filed on 04.01.2021. In pursuant to order calling report from registry, the office superintendent reported in writing that until 02:00 p.m. charge-sheet was not filed. Learned APP submitted report that charge-sheet has been brought by concerned police station and filed through regular office procedure. The superintendent than reported in writing that the charge-sheet has been filed on that day (04.01.2021) at 04:45 p.m. Thus, there is no debate that at the time of filing application for bail under Section 167(2) Cr.P.C., charge-sheet was not filed, which was lodged subsequently. The learned Judge has opined that 03.01.2021 is the 60th day for filing charge-sheet and since 03.01.2021 was Sunday, it is permissible to file charge-sheet on next working day. No

reasons were assigned why Sunday should be excluded except stating that it was holiday. As stated above 60th day was on 02.01.2021 which was Saturday and 03.01.2021 was 61st day which was Sunday. Assuming that the last statutory day for filing charge-sheet falls on Sunday or holiday, the question which arises whether it can be excluded and under what provisions of law, can the Court justify custody beyond 60 days or 90 days without charge-sheet being filed.

7. It would be appropriate to examine amended Section 167 of Cr.P.C. This provision relates to the procedure when investigation cannot be completed in Twenty-Four hours. Section 167 of Cr.P.C. reads as follows:

"(1) Whenever any person is arrested and detained in custody and it appears that the investigation cannot be completed within the period of twenty four hours fixed by section 57, and there are grounds for believing that the accusation or information is well- founded, the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of sub-inspector, shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction: Provided that-

(a) the Magistrate may authorise the detention of the accused person, otherwise than in the custody of the police, beyond

the period of fifteen days; if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeding,-

(i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;

(ii) sixty days, where the investigation relates to any other offence, and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub- section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter;]

(b) no Magistrate shall authorise detention of the accused in custody of the police under this section unless the accused is produced before him in person for the first time and subsequently every time till the accused remains in the custody of the police, but the Magistrate may extend further detention in judicial custody on production of the accused either in person or through the medium of electronic video linkage;]

(c) no Magistrate of the second class, not specially empowered in this behalf by the High Court, shall authorise detention in the custody of the police.

[Explanation I.- For the avoidance of doubts, it is hereby declared that, notwithstanding the expiry of the period specified in paragraph (a), the accused shall be detained in custody so long as he does not furnish bail;]

[Explanation II.- If any question arises whether an accused person was produced before the Magistrate as required under Clause (b), the production of the accused person may be proved by his signature on the order authorising detention or by the order certified by the Magistrate as to production of the accused person through the medium of electronic video linkage, as the case may be.]

[provided further that in case of a woman under eighteen years of age, the detention shall be authorised to be in the custody of

a remand home or recognised social institution]

2(A) Notwithstanding anything contained in subsection (1) or sub- section (2), the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of a sub-inspector, may, where a Judicial Magistrate is not available, transmit to the nearest Executive Magistrate, on whom the powers of a Judicial Magistrate or Metropolitan Magistrate have been conferred, a copy of the entry in the diary hereinafter prescribed relating to the case, and shall, at the same time, forward the accused to such Executive Magistrate, and thereupon such Executive Magistrate, may, for reasons to be recorded in writing, authorise the detention of the accused person in such custody as he may think fit for a term not exceeding seven days in the aggregate; and, on the expiry of the period of detention so authorised, the accused person shall be released on bail except where an order for further detention of the accused person has been made by a Magistrate competent to make such order; and, where an order for such further detention is made, the period during which the accused person was detained in custody under the orders made by an Executive Magistrate under this sub- section, shall be taken into account in computing the period specified in paragraph (a) of the proviso to sub-section (2):

[Provided that before the expiry of the period aforesaid, the Executive Magistrate shall transmit to the nearest Judicial Magistrate the records of the case together with a copy of the entries in the diary relating to the case which was transmitted to him by the officer in charge of the police station or the police officer making the investigation, as the case may be.]

(3) A Magistrate authorising under this section detention in the custody of the police shall record his reasons for so doing.

(4) Any Magistrate other than the Chief Judicial Magistrate making such order shall forward a copy of his order, with his reasons for making it, to the Chief Judicial Magistrate.

(5) If in any case triable by a Magistrate as a summons-case, the investigation is not concluded within a period of six months from the date on which the accused was arrested, the Magistrate shall make an order stopping further investigation into the offence unless the officer making the investigation satisfies the Magistrate that for special reasons and in the interests of justice the continuation of the investigation beyond the period of six months is necessary.

(6) Where any order stopping further investigation an offence has been made under sub-section (5), the Sessions Judge may, if he is satisfied, on an application made to him or otherwise, that further investigation into the offence ought to be made, vacate the order made under sub-section (5) and direct further investigation to be made into the offence subject to such direction with regard to bail and other matters as he may be specify."

8. On perusal of aforesaid provision, it may be seen that sub-Section (1) is the mandatory provision, governing what a police officer should do, when the person is arrested and detained in custody and when it appears that the investigation cannot be completed within the period of Twenty-Four hours fixed by Section 57. Sub-Section (2) pertains to the powers of remand available to a Magistrate and the manner in which, such powers should be exercised. The term of Sub-Section (1) of Section 167 have to be read in conjunction with Section 57. It is clear that Section 57 interdicts a police officer from keeping in custody a person without warrant for a longer period then Twenty-Four hours without production before the Magistrate, subject to the exception that the time taken for performing the journey from the place of arrest to the Magistrate Court, can be excluded from the prescribed period of Twenty-Four hours. Since, Sub-Section (1) provides that, if the investigation cannot be completed, within the period of Twenty-Four hours, fixed by Section 57, the accused has to be forwarded to the Magistrate along with the entries in the diary, it follows that a police officer is entitled to

keep an arrested person in custody for a maximum period of Twenty-Four hours for the purposes of investigation. Hence, the initial period of custody of an arrested person, till he is produced before a Magistrate is neither referable to nor in pursuance of an order of remand passed by a Magistrate. The powers of remand given to a Magistrate, become exercisable after an accused is produced before him in terms of Sub-Section (1) of Section 167. Sub-section (1) of Section 167 covers this procedure and also state that the police officer while forwarding the accused to the nearest Magistrate should also transmit a copy of entries in the diary relating to the case. The entries in the diary are meant to afford to the Magistrate the necessary information upon which he can take the decision whether the accused should be detained in the custody or not. The law enjoins upon the investigating agency to carry out the investigation, in a case where a person has been arrested and detained, with utmost urgency and complete the investigation promptly in prescribed period. The proviso to subsection (2) fixes the outer limit within which investigation must be completed and in case the same is not completed within the prescribed period, the accused would acquire a right to be released on bail and if he is prepared to and does furnish bail, the Magistrate shall release him on bail and such release shall be deemed to be grant of bail under chapter XXXIII of Cr.PC. The proviso inserted by Act No. 45 of 1978, comes into operation where the Magistrate thinks fit that further detention beyond

the period of fifteen days is necessary and it lays down that, the Magistrate may authorise the detention of the accused person otherwise than in the custody of police beyond period of 15 days. The proviso to Section 167(2) clearly states that the total period of detention should not exceed Ninety days in cases where the investigation relates to serious offences mentioned therein and sixty days in other cases and if by that time charge-sheet is not filed on the expiry of said periods the accused shall be released on bail.

9. Learned advocate for the applicant submitted that the learned Additional Sessions Judge has committed an error in computing the statutory period for filing charge-sheet. It is submitted that the maximum punishment for the offence invoked in the present case was seven years. From the date of first remand i.e. 04.11.2020 the applicant was in custody for a period of 27 days in the month of November 2020 and 31 days in the month of December 2020. 60 days were completed on 02.01.2021. The applicant preferred application for bail on 04.01.2021 being 62nd day. When the application was lodged, charge-sheet was not filed. The indefeasible right of bail in default as per the provisions of Section 167(2) of Cr.P.C. had accrued in favour of the applicant. The period envisaged under Section 167(2) of Cr.P.C. has to be calculated from the date of first remand. There cannot be exclusion of any period from authorised detention while computing the period of 60 days or

90 days on the ground that the 60th day was Sunday or holiday. Filing of charge-sheet after stipulated period is over entitled the applicant bail in default as per the provisions of Section 167(2) of Cr.P.C. Learned Additional Sessions Judge has miscalculated the period of custody. Learned Additional Sessions Judge has proceeded with the fact that the 60th day had come to end on 03.01.2021. Even if, the 60th day was on Sunday, merely on account of holiday it cannot be excluded from computing the period in accordance with Section 167(2) of Cr.P.C.

10. The learned advocate in support of his submission has relied upon following decisions:-

- (i) Order dated 29th July 2020 passed by this Court in Bail Application No.197 of 2020 (Deepak Kudalkar Vs. State of Maharashtra).
- (ii) Powell Nwawa Ogechi Vs. State (Delhi Administrative 1986 Criminal Law Journal 2081.
- (iii) Aalam Khan Umar Khan Jatmalek Jenjari Vs. State of Gujarat 2016 GLR 3446.

11. In fact, in the present case 60th day was 02.01.2021 and it was open for Investigating Officer to file charge-sheet on that day which was working Saturday. Apart from that the theory of exclusion of 3rd January 2021 being holiday is bad in law, assuming that it was 60th day.

12. In the case of **State of Maharashtra V/s. Sharad Sarada 1983 (1) BCR 578**, this Court analysed the scope and ambit of Section 167 of the Code. One of the questions under consideration was whether the provision of Section 10 of the General Clauses Act, 1897 are attracted while computing the period of 90 days, envisaged by Section 167(2) of the Code. It was observed that the words total period of 60 days or 90 days relate to the custody of an accused person authorised by the Magistrate. In paragraph 9 the Court observed that on plain reading of Section 167 of the Code, it cannot be said that it admits two possible meaning thereof. It is well settled rule of construction that the intention of the legislature must be found in the words used by the legislature itself. It is very plain when it says the “total period in custody for 60 days or 90 days as the case may be” it means that the accused cannot be allowed to remain in custody for more than 60 days or 90 days. Section 10 of General Clauses Act has no application as the code does not prescribe any time limit for presentation of charge-sheet by the investigation. After expiry of 90 or 60 days, the right accruing to the accused is absolute. What is required under Section 10 of the General Clauses Act is that any act or proceeding directed or allowed to be done or taken in any Court on a certain day or within prescribed period then the act or proceedings shall be considered to be done or taken on the next day afterwards on open. No certain day was fixed by the order of Court or any period prescribed for filing charge-sheet. The prosecution could

have filed the charge-sheet earlier. Section 10 of General Clauses Act will not apply. An absolute right accrued to the accused on expiry of 90 days are over, whether 90th day falls on holiday or not. The accused continued to be in custody and therefore the provisions of Section 167(2) lays down that he can be in custody only for a period of 90 days or 60 days as the case may be. The absolute right cannot be allowed to be defeated by resorting to the provisions of Section 10 of General Clauses Act.

13. In the case of **Powell Nwawa Ogechi Vs. The State (Delhi Administration) 1986 Criminal Law Journal 2081** decided by Division bench of Delhi High Court, bail was refused by the Sessions Court on the ground that the normal rule is to exclude the first day and include the last day and the Sessions Court invoked the aid of Section 10 of General Clauses Act and stated that since the 90th day was Sunday there was nothing wrong in producing the charge-sheet on 91st day and the custody of the accused was justified as legal even after 90th day. It was held that a plain reading of Section 10 of General Clauses Act would show that there should be a period prescribed for the performance of an act in a Court or office. It is only in such cases that if the last date of limitation prescribed expires on a holiday then Section 10 comes into play and make it permissible to do that act on the next day when the Court or office opens. Section 10 of the General Clauses Act, therefore, clearly pre-supposes that there must be in existence a positive act to be performed by

person and for the performance of which there is existence a period prescribed by law. It will have no application in any other situation. In paragraph 10 and 11 it was observed as follows:

“ 10. A bare reading of the aforesaid provision of the Code would go to show that this provision merely confers power on the Magistrate to commit to custody an accused person and there is limitation of 90 days and 60 days, as the case may be. This provision of the Code falls under Chapter XII of the Code relating to information to the police and their powers to investigate. It is thus clear that this is a power which is only exercisable during the course of investigation of a case. The power to commit an accused person to custody after investigation is over and after the charge sheet is presented before the Court, is derived from Section 309 Cr.P.C. Any further remand to judicial custody beyond 90 days and 60 days without the charge-sheet being presented before the Court will be without the authority of law.

11. Sub-section (2) of Section 167 of the Code nowhere prescribes a period within which the police is required to present charge-sheet before the Court nor does it envisage the performance of an act by an accused person within a particular period before a Court or office. In fact, nowhere in the Code a period is prescribed for investigation to produce the charge-sheet before a Court of law. Since the Legislature in its wisdom has not prescribed a period within which the investigation has to present charge-sheet against an accused person before a Court, it would be wrong to say that the provision of Section 167(2) of Code had prescribed the limit by implication. If the Legislature had aimed it to be so, there was nothing to prevent it from saying so explicitly. By invoking the doctrine of implication we will be importing something in the provision which the Legislature has deliberately

refrained to do. It will not only have the effect of distorting the provision but will also defeat the legislative intent”.

14. The Delhi High Court in the aforesaid decision referred to decision of Supreme Court in the case of **Harinder Singh Vs. S. Karnail Singh, AIR 1957 SC 271**, wherein it was observed that object of Section 10 of the General Clauses Act is to enable a person to do what he could have done on a holiday, on the next working day. Where, therefore, a period is prescribed for the performance of an act in a Court or office, and that period expires on a holiday, then according to the section, the act should be considered to have been done within that period, if it is done on the next day on which the Court or office is open. It has further ruled that to attract application of Section 10 of General Clauses Act all that is requisite is that, there should be a period prescribed, and that period should expire on a holiday. The Delhi High Court also agreed with view taken by this Court in **State of Maharashtra Vs. Sharad Sarda** (supra).

15. The Gujarat High Court in the case of **Aalam Khan Umar Khan Jatmalek Jenjari V/s. State of Gujarat (Special Criminal Application 5243 of 2014) 2016 GLR 3446** considered the question of granting bail on account of default under Section 167(2) of the Code. The factual matrix indicate that period of 90 days expired on 09.11.2014. No charge-sheet was filed till 09.11.2014. It was filed on 10.11.2014 i.e. 91st day

at 04:00 p.m. The application for default bail under Section 167(2) was filed in the morning at 10:35 a.m. There was an endorsement by superintendent that up to 10:35 a.m. no charge-sheet was filed. The application was rejected by learned magistrate on the ground that first day of remand has to be excluded, suggestive of the fact that recourse was taken to Section 9 of General Clauses Act. Before the High Court, it was also argued by prosecution that 8th and 9th November 2014 were holidays. 8th November 2014 was second Saturday and therefore non-working day for Court, and 9th November 2014 was a Sunday. Hence, the Investigating Officer was left with no other option but to file charge-sheet on 10th November 2014. The prosecution also submitted that Section 10 of the General Clauses Act could be brought in aid in cases in which charge-sheet is not filed within 90 days on account of intervening holiday. The Court observed that plain reading of General Clauses Act would show that, there should be a period prescribed for performance of an act in Court or office. It is only in such cases that if the last date of limitation prescribed expires on a holiday then Section 10 comes into play and make it permissible to do that act on the next day when the Court or office opens. Section 10 of the General Clauses Act, therefore, clearly pre-supposes that there must be in existence a positive act to be performed by person and for the performance of which there is in existence a period prescribed by law. It will have no application in any other situation. Section 167(2) Cr.P.C.

confers power on the magistrate to commit to custody an accused person and there is limitation of 90 days and 60 days, as the case may be. Any further remand to judicial custody beyond 90 days and 60 days without the charge-sheet being presented before the Court will be without the authority of law. The Court held that Section 10 of the General Clauses Act is not applicable and it cannot be invoked to defeat the accrued right of an accused person to be freed.

16. This Court in the case of **Deepak Kudalkar Vs. State of Maharashtra in LD/VC Criminal Bail Application No.197 of 2020** has dealt with similar issue. The Court has considered all the decisions referred to hereinabove and several other decisions including Chhaganti Satyanarayana and Ors. Vs. State of Andhra Pradesh (1986) 3 SCC 141, State of Madhya Pradesh Vs. Rustam and Ors., 1995 Supp. (3) SCC 221, Uday Mohanlal Acharya Vs. State of Maharashtra, AIR 2001 SC 1910. The first question considered by the Court is that whether the date of remand of the accused has to be excluded from computation of period of 90 days as envisaged under Section 167(2) Cr.P.C. Secondly the Court considered invocation of Section 10 of General Clauses Act. It was held that, Supreme Court in Chaganti's case (supra) has categorically excluded the applicability of provisions of General Clauses Act or limitation Act. In view of decisions in the case of Chaganti Satyanarayan (supra), Anupam Kulkarni (1992) 3 SCC 141 and Pragya Singh

Thakur Vs. State of Maharashtra (2011) 10 SCC 445, The period stipulated under section 167(2) Cr.P.C. cannot be excluded. This Court agreed with view expressed in the case of State Vs. Sharad Sarda (supra), Powell Ogechi Vs. State (supra) and Aalam Khan Umar Khan Jatmalek Jenjari Vs. State of Gujarat (supra). There is no reason to deviate from the view expressed in several decisions that Section 9 and 10 of General Clauses Act cannot be invoked.

17. Thus, in the above decision Sections 9 and 10 of General Clauses Act were examined qua its applicability to Section 167(2) Cr.PC. It is most pertinent to note that the Supreme Court in Chaganti's case (supra) has categorically excluded the applicability of provisions of General Clauses Act or Limitation Act. Paragraph 32 of the said decision reads as under:-

“ 32. As the terms of proviso (a) with reference to the total periods of detention can be interpreted on plain language of the proviso itself we do not think it is necessary to invoke the provisions of the General Clauses Act or seek guidance from the Limitation Act to construe the terms of the proviso”.

18. Learned App Mr. Ashwin Kapadnis submitted that the order granting default bail under Section 167(2) of Cr.P.C. vide order dated 20.08.2020 passed by this Court in the case of Kapil Wadhawan & Anr. Vs. Enforcement Directorate has been challenged before Apex Court vide Criminal Appeal Nos. 701-702 of 2020 and vide order dated 23.02.2021, the Apex Court has referred the issue to larger bench. The issue in the said

case was whether first day of remand has to be excluded from computation of period of 60 days.

19. Learned counsel for applicant has contended that the decision in the case of Deepak Kudalkar, wherein several decisions of Apex Court were relied upon supports the applicants ground for default bail. the submission deserves to be accepted.

20. The Division Bench of this Court in the case of Jitendra Deotare and Anr. Vs. State of Maharashtra decided on 31st July 2008 had adjudicated similar issue. The accused therein were arrested on 13.04.2008. There were produced before the Court for remand on 14.04.2008. Period of 90 days expired on 13.07.2008, which happened to be a Sunday. Application for bail under Section 167(2) Cr.P.C. was filed on Monday, 14.07.2008 at 11:00 a.m. on the same day. Thereafter charge-sheet was filed. This Court observed that right had accrued on 13.07.2008 i.e. Sunday and the accused preferred application on 91st day at 11:00 a.m.. Hence the Court ought not to have rejected their application. This Court directed that accused be released on bail.

21. The Apex Court in the case of **Union of India through CBI Vs. Nirala Yadav (2014) 9 SCC 457**, had observed that the procrastination frustrates the legislative mandate. A Court cannot act to extinguish the right of accused if the law so confers on him. Law has to prevail.

22. The words total period exceeding 90 days or 60 days as the case may be has to be given proper meaning. The words total period would mean custody of accused authorised by the Magistrate. The legislature intended to restrict detention upto 90 days or 60 days as the case may be and not more than that.

23. In the present case the Court rejected the application on the ground that 60th day was on Sunday i.e. 03.01.2021 and it was permissible to file charge-sheet on 04.01.2021 being 61st day. In fact 60th day was on 02.01.2021 and 04.01.2021 was 62nd day. Even assuming that 60th day was holiday being Sunday, the right of accused cannot be defeated.

24. Hence, the applicant is entitled for bail under Section 167(2) of Cr.P.C.

ORDER

- (i) Criminal Bail Application No.534 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No.384 of 2019 registered with Nalasopara Police Station, Dist. Palghar on executing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. for a period of six months and thereafter, once in three months on first Saturday of the

month between 11:00 a.m. to 1:00 p.m. till further order;

- (iv) The applicant shall not tamper with the evidence.
- (v) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason.
- (vi) The applicant is permitted to furnish cash bail in the sum of Rs.50,000/- for a period of six weeks in lieu of surety.
- (vii) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)