

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.1366 OF 2021****IN****CRIMINAL APPEAL NO. 427 OF 2018**

Kartik K. Parekh

... Applicant/Appellant

V/s.The Securities and Exchange Board
of India and Anr.

... Respondents

Mr. Burzin R. Bharucha & Mr. Jehan Fulwadiwala i/b. White and Brief,
Advocate and Solicitors for Applicant/Appellant.

Ms. Anubha Rastogi, Advocate for Respondent No.1-SEBI.

Smt. M. H. Mhatre, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.**DATE : 29th July 2021.****(Through Video Conferencing)****PC. :**

1. This is an Application for modification of condition No.5(b) imposed upon the Applicant while releasing him on bail, by an Order dated 16th April 2018 passed by this Court in Criminal Application No.593 of 2018.

The condition No.5(b) of the said Order reads as under:-

“5.

b) During the pendency of the Appeal, the Applicant shall attend and 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 first Monday is a Court holiday/Public holiday, the Applicant shall mark his presence on the immediate next date.”

2. Learned counsel appearing for the Applicant submitted that, the Applicant has scrupulously followed the said condition. However, on 9th February 2021, he had to undergo Coronary Artery Bypass Graft Surgery (CABG) and therefore, now it is very difficult for the Applicant to comply with the said condition. He further submitted that, the Applicant also suffers from various other ailments. The documents in support of its contention are annexed to the present Application.

3. In view of the fact that, Applicant has undergone Coronary Artery Bypass Graft Surgery (CABG) in February 2021 and till then the Applicant has complied with the said condition scrupulously, I am inclined to relax the said condition No.5(b) imposed upon the Applicant. The said condition is accordingly waived.

However, the Applicant is directed to attend this Court at the time of final hearing of the Appeal.

4. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]

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