

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

**CRIMINAL APPLICATION NO.293 OF 2017
WITH
CRIMINAL APPLICATION NO.544 OF 2017**

Gagan Suri

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

....

Mr. Rajendra Raghuwanshi i/b. Mr. Ratnesh Dube for the Applicant in both the applications.

Mr. Ajay Patil, APP for Respondent No.1-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th OCTOBER, 2021.

P.C.:-

The Applicant, who was arrested in Crime No.EOW 89 of 2013 was granted bail by order dated 10/11/2014 in Bail Application No.39 of 2014. Condition No.5 of the said bail order is as under :

“5.that the applicant shall strictly adhere to undertaking given by him, and instead of first two installments of Rs.5 Crores, mentioned by him in MA No.67 of 2014, he should deposit Rs.4 Crores and shall continue to deposit the amount of further installments as mentioned and undertaken by him in MA No.67 of 2014, in the NSEL ESCROW account with Axis bank, the installment of which to be started after 30 days if the release of the applicant from jail, failing which shall be termed as breach of the bail condition. AND the

applicant shall also take back his cheque given by him and shall issue fresh post dated cheques of the amount mentioned in ANNEXURE 'A' of MA No.67 of 2014, except for first two installments instead of Rs.5 Crores the amount of cheque should be Rs.4 Crores, in the name of NSEL ESCROW account with Axis Bank, and shall see that none of the cheque should dishonour, failing which shall be termed as breach of the bail condition."

2. The Applicant had filed Criminal Misc. Application No.78 of 2015 for modification of the said condition. The State EoW had also filed an application being Criminal MISC. Application No.135 of 2015 for cancellation of bail. By two separate orders both dated 25/04/2017 the learned Judge, M.P.I.D. Act, Greater Bombay, dismissed the application for modification of Condition No.5 filed by the Applicant and allowed the application filed by the State through EoW for cancellation of bail and directed the Applicant to surrender before the Court on 03/06/2017. The Applicant has challenged these orders both dated 25/04/2017 passed in application for cancellation for bail (Cri. Misc. Application No.135 of 2015) and application for modification of condition No.5 (Cri. Application No.78 of 2015) by filing these two applications.

3. By order dated 06/06/2017 this Court (Coram: Prakash D. Naik, J.) had granted interim protection to the Applicant and extended the time to surrender before the Designated Court. Said interim order has been extended from time to time.

4. Learned counsel for the Applicant states that during the pendency of these applications charge sheet has been filed. He therefore seeks leave to withdraw the applications with liberty to file application for bail before the Trial Court. He prays that the interim protection granted earlier be continued till the time he files the application for bail.

5. In the light of above, applications are dismissed as withdrawn. Interim relief granted on 06/06/2017 to continue for a period of four weeks from the date of this order so as to enable the Applicant to file an application for bail before the Designated Court, which shall be decided by the Designated Court on its own merits.

(SMT. ANUJA PRABHUDESSAI, J.)