

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

**INTERIM APPLICATION NO. 2351 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 2192 OF 2019**

Bherulal Ram Swaroop Tepan ... Applicant

Versus

The Additional Director General
Directorate Of Revenue Intelligence and Anr. ... Respondents

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Dr. Sujay Kantawala a/w Mr. Sujit Sahoo with Mr. Aditya Talpade
i/by Mr. Yogesh Rohira, Advocate for the Applicant.

Mr. Jitendra B. Mishra. Special P. P. for Respondent No.1.

Mr. S. H. Yadav, APP for the Respondent No.2 – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 1st OCTOBER, 2021

PER COURT:

1. This is an application for modification of order dated 7th August, 2021. The applicant had preferred Anticipatory Bail Application No. 2192 of 2019 and interim protection was granted to the applicant on 9th October, 2019.

2. By order dated 7th August, 2021 the application was disposed of by confirming interim protection subject to condition that the applicant shall report Investigating Officer on every

Monday and Friday between 10.00 a.m. and 2.00 p.m. for a period of four weeks so that the Investigating Officer gets an opportunity to interrogate the applicant so as to conclude the investigation. It is submitted that the advocate for the applicant was suffering from Covid-19 and he could not communicate the order to the applicant. Learned counsel for the applicant on instructions submits that the applicant is willing to attend the investigating Officer on 27th October, 2021 10th November, 2021, 17th November, 2021 and 24th November, 2021 between 11.00 a.m. to 1.00 p.m. He further submitted that even thereafter, his presence is required for issuance of summons, the applicant would appear before the Investigating Officer. It is also submitted that show cause notice has been issued to the applicant dated 27th November, 2020 and therefore it is an indication that the investigation is completed. However, this fact is disputed by learned counsel for the applicant. Learned counsel for the respondents disputed that merely on issuance of the show cause notice it cannot be said that the investigation is completed. In any case since the applicant is willing to appear, the order dated 7th August, 2021 can be modified.

ORDER

- (i) Order dated 7th August, 2021 passed by this Court in Anticipatory Bail Application No. 2192 of 2019 is modified.

(ii) The applicant is permitted to appear before the Investigating Officer on 27th October, 2021 10th November, 2021, 17th November, 2021 and 24th November, 2021 between 11.00 a.m. to 1.00 p.m.

(iii) In the event the respondents issue summons to the applicant for his appearance beyond the dates mentioned above the applicant shall appear before the Investigating Officer as and when called for.

(iv) Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)