

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

***CRIMINAL INTERIM APPLICATION NO. 922 OF 2022
(FOR INTERIM BAIL)***

***IN
CRIMINAL APPLICATION NO. 1347 OF 2021***

Gagan Suri,	
M/s. Yathuri Associates	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rajendra Raghuwanshi, Sr. Advocate a/w Mr. Ratnesh M. Dube for the Applicant

Mr. Avinash Avhad, Spl. P.P. a/w Mr. A.D. Kamkhedkar, A.P.P for the Respondent–State

PI Mr. Kumar Darde from Economic Offences Wing, Mumbai, is present

***CORAM : REVATI MOHITE DERE, J.
MONDAY, 21st MARCH 2022***

P.C. :

1 Heard learned counsel for the parties.

2 Pursuant to the order dated 16th March 2022 passed by this Court (Coram : Smt. Anuja Prabhudessai, J.), the aforesaid application has been placed before this Court.

3 By this application, the applicant seeks interim bail for a period of one month, pending the hearing and final disposal of the main application. The ground on which the interim bail is sought, is the death of applicant's father.

4 Learned counsel for the applicant has annexed the certificate of the doctor i.e. of Dr. Rahul Dey attached to Dey's Hospital, confirming the death of the applicant's father, aged 91 years on 15th March 2022. The other ground on which interim bail is sought, is that after the death of the father, certain rites will have to be performed, for which, the presence of the applicant, being the eldest son, is required.

5 On the last date, the matter was adjourned to enable the learned A.P.P to take instructions and confirm the certificate i.e. the death of the applicant's father. Learned Spl. P.P appearing for the respondent-State states that the applicant's father has expired and that the letter relied upon by the learned counsel for the applicant is genuine.

6 It is not in dispute that the applicant was enlarged on bail in connection with C.R. No. 89/2014 registered with the Economic Offences Wing, Unit-IV, Mumbai, for the alleged offences punishable under Sections 420-B, 409, 465, 467, 468, 471, 474 and 477-A of the Indian Penal Code. The applicant was released on bail on 10th November 2014 on certain terms and conditions. Since the applicant was unable to comply with one of the conditions imposed whilst enlarging the applicant on bail, the applicant filed an application seeking modification of the said condition. The State also filed a Miscellaneous Application and sought cancellation of the applicant's bail. Since the applicant had failed to comply with one of the conditions enlarging the applicant on bail, the learned Special Judge rejected the applicant's application seeking modification of one of the bail conditions and allowed the application preferred by the State. It is not in dispute that being aggrieved by the said order cancelling the applicant's bail, the applicant had filed the aforesaid application i.e. Criminal Application No. 1347 of 2021 for quashing and setting aside of the trial Court's order cancelling the applicant's bail.

7 Be that as it may, it is not necessary to enter into the merits of the application, since the application would be heard by the coordinate bench of this Court. Suffice to state that the letter annexed to the application of Dr. Dey confirms the applicant's father's death on 15th March 2022. As noted above learned Spl. P.P also does not deny the same. He states that he has no objection if the applicant is granted interim bail up to 31st March 2022.

8 The applicant has today tendered an affidavit-cum-undertaking of the applicant duly affirmed before the Superintendent, Arthur Road Jail. The said affidavit-cum-undertaking is taken on record and marked 'X' for identification. In the said affidavit-cum-undertaking, the applicant has undertaken to attend the local police station in Kanpur i.e. Thana Chakeri, NH 25, Rama Crossing, Kanpur on alternative days or as directed by this Court; that the local address of the applicant would be 292, Friends Colony, Opposite Bangali Colony, Harjinder Nagar, Kanpur; and that the applicant has undertaken to return back and surrender before the jail authorities on or before 31st March 2022.

9 Considering the aforesaid, the interim application is allowed and the applicant is granted interim bail on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 1,00,000/-, to be given in the trial Court;
- (ii) The applicant to report to the Thana Chakeri Police Station in Kanpur, every alternate day from his arrival in Kanpur City;
- (iii) The applicant shall inform the address and telephone number, where he can be contacted, to the jail authorities, prior to his release, and post his release, to the Thana Chakeri Police Station, Kanpur;
- (iv) The applicant shall surrender before the jail authorities on or before 31st March 2022;
- (v) The said amount of Rs. 1,00,000/- be refunded to the applicant on his surrender.

10 Interim Application No. 922/2022 is disposed of on the aforesaid terms.

11 Stand over to 4th April 2022 for reporting compliance of the aforesaid order.

12 All concerned to act on the authenticated copy of this order

REVATI MOHITE DERE, J.