

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1704 OF 2022
IN
BAIL APPLICATION NO.51 OF 2022**

Gautam Thapar

.. Applicant

Versus

Central Bureau of Investigation & .. Respondents
Anr.

...

Ms.Gunjan Mangla for the Applicant.

Mr.Harsh Dedhia i/b Mr.Hiten Venegaonkar for the
Respondent No.1/C.B.I.

Ms.A.A.Takalkar, A.P.P. for the State/Respondent.

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**CORAM: BHARATI DANGRE, J.
DATED : 14th JUNE, 2022**

P.C:-

1. Heard the learned counsel for the applicant and the learned counsel Mr.Dedhia holding for Mr.Venegaonkar appearing for the C.B.I.

2. The application is taken out by the applicant, seeking modification of the condition of attendance, subject to which he

was released on bail and also seeking extension of time for complying the direction of furnishing the sureties to the tune of Rs.2,00,000/- within a period of six weeks, on being released on cash bail by the modified order dated 26/04/2022.

3. The learned counsel for the applicant has invited my attention to an order passed by Delhi High Court in bail application filed by the applicant bearing No.1602 of 2022 dated 27/05/2022, where the applicant has been directed to be released on interim bail on medical grounds for a period of 8 weeks in ECIR No.11/HIU/2021 dated 15/06/2021, under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002.

The said order stipulate a condition that he shall not leave the NCR region and shall mark his attendance before the Investigating Officer on the given dates.

4. This order is pleaded as an impediment in not abiding by the direction issued by this Court on 26/04/2022 as far as attendance before the CBI, ACB is concerned, where the applicant faces a charge before the Special Judge, CBI for the offences punishable under Sections 120(B) and 420 of the IPC and Section 12 r/w Section 11 r/w Section 13(2) r/w Section 13(1)(d) of Prevention of Corruption Act, 1988.

5. The learned counsel for the CBI, on instructions, fairly states that the CBI has no objection in extending the time to furnish sureties, which is a relief sought in terms of prayer clause (a) of the Interim Application. He, however, oppose prayer clause (b), which seeks relaxation of condition No.(iii) of the order dated 26/04/2022.

6. On perusal of the order passed by the Delhi High Court on an application seeking medical bail, it is apparent that the Court has taken note of serious medical condition of the applicant where he has suffered a heart attack and is also susceptible to brain stroke. The medical status report, which was forwarded to the learned Judge, specifically record that the degenerative cervical issue has resulted in weakness in his limbs, difficulty in standing, decreasing sensation in both legs and arms, abnormality in walking posture etc. This peculiar medical condition of the applicant persuaded Delhi High Court to release him on interim bail with a condition being imposed that he shall not leave the NCR region.

7. The order passed by the Delhi High Court on 27/05/2022, which released the applicant on interim bail for a period of 8 weeks from the date of his release, is likely to expire on 23/07/2022. Though the order imposes a condition

that the applicant shall not leave the NCR region during the period of medical bail, apart from this reason, his medical condition may not permit him to travel to Mumbai. In such circumstances, I am inclined to relax the condition of the applicant reporting on first Saturday of every month for the month of June and July, 2022 and, since, the applicant has not attended the office of the CBI, ACB for the month of June, 2022, it shall not be treated as a breach of condition imposed in the order.

8. Depending upon the further developments, on both counts i.e. on medical reasons as well as the Court extending the period of temporary bail, the applicant shall take a call and if necessary, move an application seeking exemption. However, if the order is likely to be extended by the Delhi High Court, the applicant is also expected to bring to the notice of the Delhi High Court that the condition of attendance has been imposed by the Bombay High Court, while releasing him on bail in an offence registered by CBI, ACB.

9. In the wake of the above, the application is allowed in terms of prayer clause (a).

As far as prayer clause (b) is concerned, the relaxation is granted from attendance for the month of June and July, 2022

with a liberty to the applicant to move further application, if contingency arises for the month of August and thereafter.

10. The application stands disposed off in the abovestated terms.

(SMT. BHARATI DANGRE, J.)