

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2659 OF 2022
WITH
BAIL APPLICATION NO. 51 OF 2022**

Gautam Thapar .. Applicant
Versus
Central Bureau of Investigation and anr. .. Respondents
...

Adv Gunjan Mangla for the applicant.
Mr.H.S. Venegavkar for respondent no.1- CBI
Mr. S.H. Yadav, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 11th AUGUST 2022**

P.C:-

1 The applicant is charge-sheeted for the offences punishable under Sections 120 (B) and 420 of the Indian Penal Code and Section 12 r/w Section 11 r/w 13(2), r/w Section 13(1)(d) of the Prevention of Corruption Act.

2 By order dated 25/03/2022 the applicant was directed to be released on bail and certain conditions were imposed upon him, while he enjoyed his liberty. On 26/04/2022, the earlier order was modified and the applicant was ordered to be released on provisional cash bail of Rs. 2,00,000/- for a period of 6 weeks. He was also directed to report to the CBI, ACB Mumbai, once in a month.

3 The order being passed on 26/04/2022, an application was

taken out seeking two-fold modifications; firstly, seeking extension of time to furnish surety and second, for relaxing the condition of attendance.

On the last date of hearing i.e. on 14/07/2022, the learned counsel for CBI Mr. Venegaonkar accorded his no objection to extend the time to furnish surety, but he strongly opposed the condition of relaxation from his attendance.

4 An order passed by Delhi High Court was brought to my notice, where a condition was imposed that he shall not leave NCR region, without prior permission of the Court. Confronted with the said order, and taking note of the medical condition of the applicant, which posed a difficulty in his standing and walking, which persuaded the Delhi High Court to release him on interim bail with the above condition being imposed, I had specifically ordered the applicant to take a call and, if necessary, move an application seeking exemption.

5 Learned counsel for the applicant has placed on record, another order passed by the Delhi High Court on 22/07/2022, wherein depending upon the outcome of the line of treatment, the period of temporary bail has been extended by 7 weeks and the matter is directed to be listed on 16/09/2022.

6 By the present application the applicant once again seek modification of the order, subject to which, he was released on bail and even this time, it is with a two-fold modifications. The first modification is to the effect that the applicant shall be permitted to appear for verification of the surety through Video Conferencing and the bonds can be collected by affixing the

signature, through the Authorized representative and they can be presented before the Sessions Court and the second modification is sought to the effect that the condition of attendance with the CBI office shall be relaxed, in view of his medical condition.

7 The relaxation sought is dependent on the progress of the applicant's health and since the respondent has been directed by the Delhi High Court to file an affidavit indicating the line of treatment likely to be administered by the Doctors at AIIMS and whether it can be provided by the Jail Authority and depending upon the outcome, his temporary release will be governed.

8 In the present application, the relaxation, which is sought by prayer clauses (b) and (d) is thus dependent upon the contingency of the report being submitted by the Committee of Doctors on his examination, before the Delhi High Court, but the illness/ the ailment of the applicant cannot be doubted.

9 Therefore, I am inclined to extend the time of furnishing sureties by further period of 6 weeks. Similarly, I propose to grant exemption from attendance to the CBI office for the very same period, however, the suggestion of Video Conferencing, both for the purpose of verifying the surety and attending the CBI office so that the investigation is not hampered, can be made before the Special Court, and the Special Court shall determine whether prayer clause (d) can be granted.

10 As far as the condition of attendance to CBI office is concerned, the Special Court will be in a more profitable situation to deal with the said contingency with the presence of the CBI officers, in order to ascertain at what stage the

investigation stands.

Deserving the liberty to the applicant to move the application within a period of six weeks from today, the time to furnish surety is extended by six months. Similarly, the applicant is exempted from marking his attendance with the CBI office, for a period of six months.

11 Application is disposed off.

(SMT. BHARATI DANGRE, J.)