

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1347 OF 2021**

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

Mr. Rajendra Raghuvanshi i/b. Mr. Ratnesh M. Dube for the Applicant.

Mr. Avinash B. Avhad, SPP for the State.

Mr. Manoj Kadam, PSI, EOW present.

Mr. Raju Davari from C.A. Office present.

CORAM : M. S. KARNIK, J.

DATE : MARCH 1, 2023

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application for setting aside the condition No.2 in the operative part of the order dated 23/11/2021 passed in Bail Application Exhibit No.211 of 2021 in MPID Special Case No.05 of 2019. The same reads thus :-

"2. The applicant Gagan Suri be released on his executing PB and SB of Rs.20,00,000/- (Twenty Lacs only) on his depositing the amount as per the undertaking given by him and in pursuant to the order passed in B.A. No.39 of 2014 dated 10.11.2014."

3. It is not in dispute that in terms of paragraph 3 an amount of Rs.21 crores was deposited by the applicant and

which is liable to be adjusted. For the breach of condition No.2 regarding deposit of Rs.20 lakhs, the applicant was taken back in custody on 24/11/2021. The applicant since then is in custody for a period of more than 1 year and 2 months. During the course of hearing a chart showing the properties of the applicant (M/s. Yathuri Associates) attached by the Economic Offences Wing is provided. The same is taken on record and marked as Exhibit 'X' for identification which is at page 283 of the paper book.

4. Learned counsel for the applicant on instructions submits that the applicant has no objection if these properties are made subject matter of attachment by the MPID Court and will not object such a course of action and it would be open for the MPID Court to take the attachments to the logical end.

5. The application was vehemently opposed by learned Special Public Prosecutor for the State.

6. In my opinion considering what is stated hereinabove and further that the applicant has spent a period of more than 1 year and 2 months, the applicant should not be

deprived of the facility of the bail already granted. In any case, for the breach of the condition No.2, the applicant suffered incarceration for more than 1 year and 2 months.

7. The property at serial No.8 which is a residential flat (Dwelling unit) of the applicant and his family members shall only remain under provisional attachment and appropriate order thereon be passed at the conclusion of the trial.

8. The application is allowed. The condition No.2 is set aside. The applicant be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount. The other conditions of the bail order dated 23/11/2021 shall be abided by the applicant.

(M. S. KARNIK, J.)