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Uday S. Jagtap

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

**INTERIM APPLICATION NO. 3661 OF 2022
IN
CRIMINAL APPEAL NO. 720 OF 2019**

Bhagwanji Dayaram Joshi .. Applicant

Vs.

1. Union of India, through
CBI, STF, Mumbai

2. The State of Maharashtra .. Respondents

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Mr. Dilip Shinde a/w Mr. Pravin Mengane for the applicant

Mr. Amit Munde, for the respondent no.1 – CBI

Mr. Y.M. Nakhwa, APP for the respondent – State

.....

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : 1st FEBRUARY, 2023.

ORDER : - (Prithviraj K. Chavan)

1. In view of the ‘not before’ order passed by the co-ordinate bench in connected I.A. No.2426 of 2022 in Criminal Appeal No.711 of 2019, the application is placed before us.

2. By this application, the applicant (original accused no.6), whose Criminal Appeal is pending in this Court, has prayed for relaxation of the conditions of bail passed vide order dated 21.03.2022 by this Court in Criminal Application No.778 of 2019 in Criminal Appeal No.720 of 2019.

3. The operative part of the order passed by a Division Bench of this Court on 21.03.2022 read thus :-

“1. The application is allowed.

2. During the pendency and final disposal of Criminal Appeal No.720 of 2019, Applicant Bhagwanji Dayaram Joshi is directed to be released on bail on executing P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh only) with one or two sureties in the like amount.

3. The Applicant shall deposit his passport, if any, with the Investigating Officer before his release on bail.

4. The Applicant shall furnish his residential address and contact number to the Investigating Officer before his release on bail.

5. The Applicant shall report to the Investigating Agency's Office at Mumbai once in two months till disposal of his Appeal.

6. Criminal Application is disposed of accordingly.”

4. The fifth condition of the said order directs the applicant to

attend the investigating agency's office at Mumbai once in two months till the disposal of his appeal. Learned Counsel for the applicant has invited our attention to the fact that the applicant has been attending as per the directions hereinabove, however, in view of his advanced age of about 77 years and in light of his age related ailments certified by Dr. Nitin Sida at Exh.'D', on 30.07.2022, the applicant sought relaxation of the condition as aforesaid. The certificate shows that the applicant is suffering from diabetes mellitus with essential hypertension (high BP) with coronary artery disease with diabetics neuropathy with Osteoarthritis of both knee joints.

5. Learned Counsel for respondent no.1 – CBI STF left it to the discretion of this Court to pass necessary orders in the facts and circumstances of the case.

6. Having considered the respective submissions, we are of the view that the applicant can be directed to attend the Office of the Court of Chief Judicial Magistrate, Porbandar, Gujarat on first Monday of the month once in a three months, till disposal of the appeal.

7. The applicant shall attend this Court as and when directed, during the pendency of the appeal.
8. The applicant shall also furnish his permanent residential address as well as contact details to the Chief Judicial Magistrate, Porbandar.
9. Application is disposed of.
10. All concerned to act on the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]