

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.164 OF 2023

Gaurav Dixit @ Shivaay Sharma ...Applicant
vs.
Union of India and Another ...Respondents

Mr. Rohan Chauhan i/b. Mr. Kushal Mor, for the Applicant.
None for Respondent No. 1.
Mr. Tanveer Khan, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.

DATE : MAY 02, 2024

P.C.:

1. Heard the learned counsel for the applicant.
2. None appears for NCB-Respondent No. 1.
3. None appeared for NCB-Respondent No. 1 on 30th January, 2024 and 20th March, 2024 as well.
4. This Court had directed the applicant to give notice to the counsel who appears for respondent No. 1. The learned counsel submits that the applicant had served notice on respondent No. 1.
5. The applicant seeks modification of the condition imposed by the learned Special Judge while releasing the applicant on bail. By an order dated 23rd September, 2021 the Special Court had, inter alia, imposed the following condition.

(8) The applicant Gaurav Dixit @ Shivaay Sharma shall not leave Mumbai without permission of this Court.

6. It appears that the applicant had made an application seeking permission for relaxation of the condition and the same came to be rejected by the learned Special Judge by an order dated 14th September, 2022.

7. The legal counsel for the applicant submits that the applicant is required to leave Mumbai on a short notice for business commitments. Thus, the above condition operates onerously.

8. Evidently, the condition was imposed in the year 2021. Sufficient time has elapsed. The Court is informed that charge has yet not been framed. As NCB/Respondent No. 1 has not appeared despite sufficient opportunity and substantial period has elapsed since the imposition of the aforesaid condition, I am inclined to allow the application and relax the said condition.

Hence, the following order.

ORDER

1] The application stands allowed.

2] The condition No. 8 in the order dated 23rd September, 2021 passed by the learned Special Judge stands relaxed.

3] Rest of the conditions imposed by the learned Special Judge shall continue to operate.

(N. J. JAMADAR, J.)