

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

**INTERIM APPLICATION NO. 244 OF 2024
IN
CRIMINAL APPEAL (ST) NO. 4206 OF 2020**

Laxman Singh Kushwah

..Applicant

Versus

Union of India & Anr.

..Respondents

Mr. Abhishek Kunchikar a/w. Mayur Tamore for Appellant.
Mr. Amit Munde a/w. Parikshit Pawar for CBI-Respondent No.1.
Mr. Arfan Sait, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 21 JUNE 2024

PC :

1. This interim application is filed with two prayers. First prayer is for expeditious hearing of the applicant's Appeal against conviction. Learned counsel for the applicant does not press this prayer at this stage. He seeks liberty to file a separate application after a reasonable period. Therefore, I am not considering that prayer at this stage. He is at liberty to file a fresh application for expeditious hearing of the Appeal after a reasonable period.

2. The prayer (b) is for relaxation of condition imposed on

the applicant while granting bail suspending his sentence during pendency of appeal. This Court (Coram: Revati Mohite Dere, J.) vide the order dated 17.07.2020 passed in LD/VC/OCR/172/2020 in LD/VC/OCR/173/2020 had granted bail to the applicant. The operative part of the order dated 17.07.2020 reads thus:

“(i) The applicant be released on cash bail in the sum of Rs.15,000/-, for a period of eight weeks;

(ii) The applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;

(iii) The applicant shall report to the trial Court, once in four months on the day/date specified by the trial Court, till his Appeal is finally disposed of;

(iv) The applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

(v) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.”

3. Learned counsel for the applicant submitted that he has furnished the local sureties as directed by that order. The applicant has been diligently following the condition mentioned in Clause

(iii) of the operative part and he has been reporting before the Trial Court once in four months since passing of that order. The other conditions he has followed. This order was passed on 17.07.2020. Almost four years have passed. Since there are no allegations that the applicant has breached any of these conditions, the applicant has sufficiently established his bonafides. The Appeal is not likely to be heard within a reasonable short period, therefore, said condition can be relaxed. If the applicant is not available at the stage of hearing of the Appeal, the investigating agency has all the powers to secure his presence.

4. In this view of the matter, the applicant need not attend the trial Court once in four months as directed. Therefore, to that extent the said order can be modified.

5. Hence, the following order:

ORDER

- i) The order dated 17.07.2020 passed in LD/VC/OCR/172/2020 in LD/VC/OCR/173/2020 is modified and the clause (iii) of the operative part directing him to report to the trial Court once in

four months till his Appeal is finally disposed of is deleted.

- ii) The rest of the directions and the conditions imposed by that order shall remain unchanged.
- iii) With these directions, the application is disposed of.

(SARANG V. KOTWAL, J.)