

Shailaja

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

**INTERIM APPLICATION NO.3073 OF 2024
IN
CRIMINAL APPEAL NO.661 OF 2024**

Rajendra Sadashiv Nikalje @	]	
Chhota Rajan @ Nana Sheth @ Sir	]	Applicant
Vs.		
Central Bureau of Investigation and another	]	Respondents

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Mr. Sudeep Pasbola, Senior Advocate a/w Mr. Akash Pandey, Mr. Ayush Pasbola, Mr. Swaraj Jable, Ms. Mrunal Bhide, for Applicant/Appellant.

Mr. Pradip Gharat, Special P.P, for Respondent No.1 – CBI.

Mr. V.B. Konde-Deshmukh, Addl. P.P, for Respondent No.2 – State.

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CORAM	: REVATI MOHITE DERE & PRITHVIRAJ K. CHAVAN, J.J.
RESERVED ON	: 10th October, 2024.
PRONOUNCED ON	: 23rd October, 2024.

ORDER: [Per Prithviraj K. Chavan, J.]:

1. By this application, the applicant seeks suspension of execution of sentence awarded by the MCOC Special Judge, Greater Mumbai on 30th May, 2024 in MCOC Special Case No.6 of

2019 for the offences punishable under sections 302 r/w 120B of the Indian Penal Code (for short “I.P.C”) and under sections 3 (1) (i), 3 (2) and 3 (4) of the The Maharashtra Control of Organized Crime Act, 1999 (for short “MCOC Act”).

2. The Special Court has awarded four life sentences for the aforesaid offences, *inter alia*, imposed total fine of Rs.16,00,000/- with default clauses.

3. The facts in brief are as follows.

4. One Jaya Shetty (deceased) a hotelier was shot dead in his Hotel namely “Golden Crown” on 4th May, 2001 at about 13.10 hours. It is alleged that the members of an organized crime syndicate headed by the applicant committed the said murder for demand of some huge amount of extortion. It is alleged that the murder of Jaya Shetty was on his failure to meet the demand of extortion money alleged to have been demanded by the applicant. One Ajay Suresh Mohite @ Ajay Surajbhan Shreshtha @ Ajay Nepali @ Ajay Chikna was caught red handed alleging that he was the one who had shot dead Jaya Shetty. He was accompanied by

one Kundansingh Rawat who facilitated the escape of Ajay Mohite. Ajay Mohite was found in possession of two fire arms. The fire arms were seized under a *panchanama* which was drawn on the spot itself.

5. Mohan Narayan Shetty - Manager of Gold Crown Hotel lodged an First Information Report at *Gamdevi* Police Station. Initially, an offence for murder came to be registered under C.R. No.188 of 2001. During investigation, it revealed that the deceased and his family members had been constantly receiving extortion calls from one Hemant Pujari – head of one faction of the applicant. As already stated, murder of deceased Jaya Shetty was an outcome of his failure to meet the demand of extortion money. The investigation further revealed that one Pramod alias Bala Dhonde, Rahul Pansare and Sameer Naik had conspired to commit the murder of Jaya Shetty at the behest of Hemant Pujari and the applicant. Admittedly, there are several cases against the applicant who was then wanted as an accused along with Hemant Pujari for various offences of extortion and other related offences.

6. Having obtained prior approval to record the information about commission of the offence of organized crime under the provisions of the MCOC Act, investigation was further conducted by Assistant Commissioner of Police.

7. Kundansingh Rawat, Pramod Dhonde, Rahul Pansare and Ajay Mohite were arrested. Later on, Kundansingh Rawat was reported to be dead. Ajay Mohite, Pramod Dhonde and Rahul Pansare came to be prosecuted pursuant to a charge-sheet filed in the Special Court in MCOC Special Case No.13 of 2001 and after trial, have been convicted. Ajay Mohite reported to be dead in an encounter while he was released on parole. On 16th March, 2005, the Anti Extortion Squad, Mumbai, arrested Sameer Manik and was taken into custody in connection with the present case.

8. During pendency of the trial, the applicant came to be deported from Indonesia and was arrested by CBI on 6th November, 2015 in R.C. No.7 (A) 2015/SCU – V/SCII/ CBI/ New Delhi (Passport case).

9. As per the Notification dated 21st November, 2015 issued by the Government of India with the consent of State Government of Maharashtra, Home Department vide Notification dated 13th November, 2015 transferred the investigation to CBI. After completion of the investigation, a charge-sheet came to be filed against the applicant.

10. The learned Special Judge after framing a charge against the applicant for the offences as stated hereinabove and after recording the plea put the applicant on trial. The defence of the applicant was of total denial and false implication.

11. Having examined as many as 32 witnesses and one defence witness, the learned Special Judge convicted and sentenced the applicant as above.

12. We heard Mr. Pasbola, learned Senior Counsel appearing for the applicant at a considerable length as well as Mr. Gharat, learned Special Public Prosecutor appearing for respondent No.1 - C.B.I. Perused the affidavit-in-reply tendered by the respondent No.1-C.B.I.

13. At the outset, the learned Senior Counsel would argue that this is a case of no evidence at all against the applicant warranting his conviction of the offence of alleged murder of the deceased as well as of the offences under the stringent provisions of MCOC Act. Learned senior Counsel would invite our attention to certain glaring discrepancies in the evidence which have not been correctly and properly appreciated by the learned Special Judge in the impugned judgment. Apart from the fact that there is no direct evidence *qua* the applicant, even the evidence which is in the form of circumstantial evidence does not inspire confidence and cannot be legally accepted. The learned Senior Counsel has invited our attention to the various paragraphs of the evidence of P.W.4 – Mohan Jaya Shetty, P.W. 10 – Manohar Jaya Shetty and P.W.22 – Santosh Pandurang Shetty in order to buttress his contention.

14. According to Mr. Pasbola, no nexus, even remotely has been shown by the prosecution regarding alleged complicity of the applicant in eliminating the deceased. A very glaring discrepancy has been brought to our notice by the learned Senior Counsel that the learned Special Court grossly erred in relying upon the judgment passed by it in a previous case being MCOC Special Case

No.13 of 2001 against other accused. Since those were two separate trials in which the evidence came to be recorded separately, the learned Special Judge has committed gross error in law in relying upon that evidence while convicting the applicant in the present case. It is also brought to our notice that the learned Special Judge has committed illegality in ignoring material omissions and contradictions in the evidence of P.W.4 – Mohan Jaya Shetty and P.W. 10 – Manohar Jaya Shetty. He has relied on the confessional statement recorded in earlier case *qua* one Pramod Dhonde which is, in fact, not admissible in the present case for the simple reason that the applicant and Pramod Dhonde were not jointly tried in one case.

15. We shall go through the evidence only for the limited purpose for considering as to whether the applicant deserves to be released on bail by suspending execution of the sentence pending the appeal. We need not delve deep into the merits and demerits, for, it would be considered at the time of hearing the appeal finally.

16. Mr. Gharat, learned Special Public Prosecutor made a futile and unsuccessful attempt to support the impugned judgment and

order of conviction rendered by the learned Special Judge by contending that the applicant is a notorious Don having several cases at his discredit of which a list has been tendered along with the affidavit-in-reply filed by the respondent No.1 – C.B.I.

17. Mr. Pasbola, learned Senior Counsel, however, tendered a chart indicating that most of the cases have been closed by the prosecution itself. Some of the cases resulted in acquittal of the applicant and in few cases, he has been discharged. It would be apposite to extract the said chart hereinbelow;

Sr. No.	C.R. No.	REMARK
1.	DCB, CID CR No.105/2010 (J.J. Marg Police Station C.R. No.26/10)	Acquitted
2.	DCB, CID CR No.107/2009 (Nagpada Police Station. C.R. No.207/2009)	Acquitted
3.	DCB, CID CR No.03/97 U/s. 302, 307, 341, 34 IPC r/w 3,7, 25, 27, 35, 36 IAA r/w 37, 135, BP Act r/w 12 (B) PP Act (Datta Samant Case)	Acquitted
4	DCB, CID, CR No.144/83 (Santacruz CR No.130/83) Session Case No.269/83	Acquitted
5.	CR No.419/1996 (Sayyad Maqbool)	Acquitted
6.	C.R No.52/01 U/s. 302, 452 IPC r/w sec. 3, 25, 27, 35 Arms Act r/w Sec. 3 (i) (ii), 3 (2), 3 (4) of MCOC	Acquitted

	Act (Hanif Kadawala)	
7.	C.R. No.137/83 (Liquor Raid)	Acquitted
8.	CR No.90/99 (Dahisar PS CR No.403/99) U/s 302, 120-B, 34 IPC r/w Sec 3, 25, 27, 35 Arms Act r/w 3 (i) (ii), 3 (2), 3 (4) of MCOCA (Narayan Pujari)	Discharged
9.	Cr No.348/99 U/s. 302, 141 to 149, 120B 34 IPC r/w 3, 25, 27 Arms Act r/w 3(a) (2) case (3) (2) (4) MCOCA	Discharged
10.	CR No.71/2002 (Juhu Police Stn. 312/02) U/s. 387, 120 (b) of IPC r/w MCOC Act	Discharged
11	CR No.118/99 U/s. 302, 307, 34 IPC r/w Case. Sec. 3, 25, 27, 35 Arms Act r/w 3 (1) (i) (ii), 3 (2), 3 (4) of MCOC Act	Discharged
12.	Unit – IX, DCB, CID, CR No.95/04 (Juhu CR No.367/02) Session Case No.114/07	Closed by prosecution
13	CR No.134/2004 (V.P. Road Police stn. CR No.258/04) U/s. 302, 115, 120-B of IPC r/w Sections 3,7,25 of Arms Act r/w MCOCA	Closed by prosecution
14	142/94 (Ghatkopar Police Stn. 395/93) U/s. 302, 120B IPC: 3, 25, 27 Arms Act r/w 3, 5 Mota 6 of TADA Act. TADA Special Case No.06/95	Closed by prosecution
15.	146/94 (Ghatkopar Police Stn. 240/93) U/s 302, 307, 34 IPC: r/w 25, 27 Arms Act r/w r/w Shetty 3, 5,6 TADA Act, TADA Special Case No.07/95	Closed by prosecution
16.	CR No.220/98	Closed by prosecution

17.	CR No.236/97	Closed by prosecution
18.	CR No.353/95	Closed by prosecution
19.	219/92 U/s 302, 307, 143 to 149, 34 IPC r/w 3, 25 Arms Act r/w 3, 5,6 TADA Act	
20.	CR No.48/97 (Antop Hill Police Stn, 199/97)	Closed by prosecution
21.	CR No.312/99, U/s 307/34, 120B IPC r/w 3, 25, 27,35 Arms Act r/w 3 (a) (2) 3 (2) (4) MCOCA	Closed by prosecution
22.	CR No.653/80 U/s 307, 114, 34 IPC	Closed by prosecution
23.	CR No.24/2004 (Azad Maidan Police Stn. 98/04) Y/s 120 (b) of IPC r/w Sec. 3, 7, 10, 25 of Arms Act r/w MCOCA r/w POTA	Closed by prosecution
24.	CR No.86/2005 & 87/2005 (DB Marg Police Stn. CR No.128/05, U/s 420, 466, 467, 471, 384, 385, 386, 387, 120B IPC r/w MCOC Act	Closed by prosecution
25	CR No.126/2002 (Gamdevi Police Station 294/2002) U/s. 387, 120B IPC r/w MCOC Act	Closed by prosecution
26.	CR No.75/2000, U/s. 302, 307, 387, 392, 397, 467, 468, 471, 34, 120-B IPC with 3, 25, 27 Arms Act r/w u/s. 37 (A), 135 BP Act	Closed by prosecution
27.	CR No.202/99, U/s 302, 506, 34 IPC r/w 25/27 Arms Act r/w 3 (a) (2) 3 (3) (4) MCOCA	Closed by prosecution
28.	CR No. 436/2000 U/s. 387, 120B, 34 IPC r/w MCOC Act	Closed by prosecution
29.	CR No. 24/2001, (Bandra PS 157/2001), U/s. 399, 402, 201 IPC	Closed by prosecution

	r/w Sec 3,7,25 Arms Act r/w MCOC Act	
30.	CR No. 92/99, U/s. 387, 34 IPC r/w 3(a)(2) 3(2)(4) MCOC Act	Closed by prosecution
31.	CR No. 540/99, U/s 307, 120-B, 34 IPC r/w Sec. 3, 25, 27, 35 Arms Act r/w Sec 3 (i)(ii), 3(2), 3(4) MCOC Act	Closed by prosecution
32.	Mumbai, CR No. 60/2005	Closed by prosecution
33.	CR No. 79/04 (Vile Parle Cr No.224/04)	Closed by prosecution
34.	Anti-Extortion Cell, DCB, CID, Mumbai DCB, CID, CR No. 68/2003	Closed by prosecution
35.	Anti-Extortion Cell, DCB, CID, Mumbai DCB, CID, CR No. 19/2002	Closed by prosecution
36.	Anti-Extortion Cell, DCB, CID, Mumbai DCB, CID, CR No.21/2002	Closed by prosecution
37.	Anti-Extortion Cell, DCB, CID, Mumbai DCB, CID, CR No.04/00	Closed by prosecution
38.	Anti-Extortion Cell, DCB, CID, Mumbai DCB, CID, CR No.101/00	Closed by prosecution
39.	Anti-Extortion Cell, DCB, CID, Mumbai DCB, CID, CR No. 92/1999	Closed by prosecution
40.	Anti-Extortion Cell, DCB, CID, Mumbai DCB, CID, CR No.03/2005. U/s. 387, 342, 452, 427, 323, 147, 148, 149, 504, 506(2) IPC r/w 37(l)BP Act	Closed by prosecution
41.	32/93 (Tilaknagar Police Stn. CR No. 18/93) U/s. 342, 365, 323, 385, 386, 387, 109, 34, 120B IPC r/w 3, 25, Arms Act r/w 3(3), 5, 6	Closed by prosecution

	TADA Act	
42.	Cr No. 202/99 U/s 384, 387, 452, 506(2), 34, 120B IPC	Closed by prosecution
43.	CR No. 414/1998	Closed by prosecution
44.	CR No. 426/1998	Closed by prosecution
45.	CR No. 278/97	Closed by prosecution
46.	CR No. 361/2009 U/s. 506(ii), 504, 507, 34 IPC	Closed by prosecution
47.	CR No. 25/1998 U/s 341, 342, 365, 386, 120B IPC	Closed by prosecution
48.	CR No. 384/95 U/s 506 (2) 114 IPC	Closed by prosecution
49.	CR No. 497/94 U/s 506(2) IPC	Closed by prosecution
50.	CR No. 39/2005(N.M. Joshi Marg PS CR No. 14/2005)	Closed by prosecution
51.	CR No. 166/2004 U/s 452, 427, 506(2), 387, 34 IPC	Closed by prosecution
52.	CR No. 378/2000	Closed by prosecution
53.	CR No. 8/98 (Bhandup PS 45/98)	Closed by prosecution
54.	CR No. 500/97	Closed by prosecution
55.	CR No. 370/95	Closed by prosecution
56.	CR No. 96/94	Closed by prosecution
57.	CR No. 281/96 U/s 120B, 506(ii) IPC r/w 34 IPC	Closed by prosecution
58.	CR No. 33/2010 U/s 368, 387, 506(2), 34 IPC r/w 3, 25 Indian	Unregistered Case

	Arms Act	
59.	CR No. 385/06 U/s 399, 402 IPC r/w 3,25 Arms Act r/w MCOC Act	Unregistered Case
60.	Cr No. 86/05 U/s 302, 452, 34 IPC r/w 3, 25, 27 Arms Act r/w MCOC. Sec. 3(1), 3(ii), 3(4)	Closed by prosecution
61.	CR No. 140/04 (Andheri Police Stn. CR 378/04), U/s 307, 452, 144 to 149, 34 IPC r/w 3,7,25 of Arms Act r/w MCOCA	Currently on Bail
62.	CR No. 150/2005 (Tilak Nagar Police Stn. Extortion from Builder)	Currently on Bail
63.	PS CR No. 312/2015 U/s 387, 452, 34 IPC r/w 3, 25, 27 Arms Act r/w MCOC. Sec. 3(1), 3(ii), 3(4)	2 yr R.I. (Sentence is undergone)
64.	CR No. 104/2012, (Amboli Police Stn. 214/12) Arms Act	8 yr R.I. (Sentence is undergone)
65.	CR No. 84/2013 (Bangur Nagar Police Stn. Case CR No. 216/13) U/s 307, 120B IPC r/w 3, 25, 27 Arms Act r/w MCOCA	10 yr R.I. (Sentence is undergone) including remission
	PENDING CASES	
66.	CR No. 57/11 (Powai Police Stn. CR No. J.D. Murder Case)	Life RI/appeal against conviction is admitted
67.	CR No. 126/2002(Gamdevi Police Station 294/2002) U/s 387, 120B IPC r/w MCOC Act	Life RI/appeal against conviction is admitted
68.	CR No. 56/11 (J.J.Marg Police Stn. CR No. 59/11)	Evidence about to conclude
69.	CR No. 11/2009 (D.N. Nagar	Evidence about

	Police Stn. CR No. 374/08)	to conclude
70.	CR No.414/09 U/s 307, 34 IPC r/w 3, 25, 27 Arms Act	Pending (Trial in Progress)
71.	CR No. 31/2005 (Kandivli Police Stn. LAC Recovery of fire arm weapon No. 28/05) U/s 3, 7, 10, 25 of Arms Act r/w MCOCA	Pending (Trial in Progress)

It is needless to reiterate as regards numerous cases which were closed and some of the cases which are pending.

18. Mr. Gharat, learned Special Public Prosecutor would further argue that the prosecution has established nexus of the applicant in the murder of the deceased on the basis of telephonic conversation/threats received from one Hemant Pujari who is said to be a henchman of the applicant. Mr. Gharat also took us through the evidence of various witnesses, especially, the evidence of P.W.4 – Mohan Jaya Shetty, son of the deceased. Admittedly, the deceased was murdered on 4th May, 2001. The deceased was the owner of “*Shrikrishna Chhaya* Restaurant” situate at *Khar* (West). The sum and substance of testimony of P.W.4 – Mohan Shetty is that a telephonic call was received on 4th May, 2001 by his elder brother Manohar Sheety from one Vidyadhar who informed about a fire episode on the deceased. The incident had occurred near hotel

Golden Crown at Grant Road. According to this witness, when the Police were preparing inquest of the dead body, he realized that it was done by the applicant since he was persistently making phone calls for extortion and was threatening the deceased and his family. It is alleged that the applicant was threatening for Rs.50,00,000/- as an extortion money. He has testified about recording of conversation on the telephone which took place between their Manager Bala Shetty and Hemant Pujari. He also produced tape recorded cassette of the alleged conversation to the Police, however, interestingly, the prosecution did not examine Bala Bhujanga Shetty for the reasons best known to it. The testimony of this witness has been shattered during the cross-examination by the defence. The learned Special Public Prosecutor, however, could not invite our attention to any part of the evidence of this witness, at least *prima facie* material against the applicant indicating his involvement in the murder of the deceased.

19. As already stated, the learned Special Judge committed gross illegality in placing reliance on a previous case bearing MCOC Special Case No.13 of 2001 against other accused and has relied on a confessional statement of Pramod Dhonde which is not at all

admissible and would go to the root of the matter. This is in total ignorance of the law laid down by the Supreme Court in case of **Mydeen and another Vs. Assistant Commissioner of Customs**¹.

20. Admittedly, alleged extortion calls by the applicant were being received by Bala Shetty, however, he has not been examined by the prosecution and, therefore, the main link is missing. Admittedly, Bala Shetty was the Hotel Manager of the deceased who had lodged complaint in the form of letter dated 24th April, 1999 addressed to *Khar* Police Station and another letter dated 11th November, 1999 addressed to the Deputy Commissioner of Police, Protection Branch. He had addressed one more letter dated 18th May, 2000 to the Senior Police Inspector, *Khar* Police Station.

21. P.W.4 – Mohan Shetty admits that he had no occasion to meet Hemant Pujari personally. He had not spoken with him on telephone. He admits that the complaints “**Exhibit 39 colly**” were lodged only on the basis of information given to him by Mr. Bala. There is no mention in the complaints “**Exhibit 39 colly**” that Bala had received any threatening calls from Hemant Pujari.

1 2021 SCC Online 1017

22. In paragraph 13, P.W. 4 – Mohan Shetty admits that he was not aware whether calls were received by his father or by the Manager. He even does not know who had actually received the calls as stated in the letters “**Exhibit 40 colly**”. He even does not know who had produced the complaints of his father to the Police. He even does not recollect whether he had seen the letters “**Exhibit 40 colly**”. He did not have any personal knowledge about contents of the letters “**Exhibit 40 colly**”.

23. P.W. 4 – Mohan Shetty in paragraph 14 states that on 8th May, 2001, he received a phone call from one Santosh Shetty when said Santosh told him that Hemant Pujari is man of Chhota Rajan. This hearsay evidence could hardly be said to be admissible. Interestingly, P.W. 4 – Mohan Shetty admits that he did not receive any call personally from the applicant. Even he was not aware whether his father, brother or his Hotel staff received any call directly from the applicant. He is unaware whether the alleged contents of the letters indicating threats were extended by the applicant. According to this witness, there is no mention in the first conversation regarding the applicant or demand of any amount on behalf of the applicant. This witnesses presumed that the word spoken as “*Nana*” by

Hemant Pujari in the third conversation refers to the applicant. Admittedly, name of the applicant “Chhota Rajan” has not been referred in any of the conversations. This witness even had no knowledge as to whether Bharat Nepali is man of the applicant. He did not receive any call personally from the applicant nor was he aware that any such call was received by his father, brother or hotel staff. As such, there is no evidence at all even remotely, to indicate that the threats alleged to have been received from one Hemant Pujari were on behalf of the applicant. Mere allegations that Hemant Pujari was affiliated to the gang of the applicant would not itself sufficient to hold the applicant responsible for causing death of the deceased.

24. There is one more glaring aspect wherein the learned Special Judge appears to have exhibited certain documents as “**Exhibit 39-A**” to “**Exhibit 39-C**” and “**Exhibit 40-A** to “**Exhibit 40-G**” purported to be certified copies placed on record by the prosecution. Those copies were brought on record after evidence of the prosecution was closed. Surprisingly, “**Exhibit 39-A**” to “**Exhibit 39-C**” and “**Exhibit 40-A**” to “**Exhibit 40-G**” are certified copies of photo copies. The originals have never been produced on

record even in the earlier trial of one Ajay Mohite and others. Since the originals were never produced and exhibited in the earlier trial, certified copies of the photo copies could never be admitted in evidence. Less said is better on this aspect. The Special Judge has failed to understand and consider scope of the ratio laid down by the Supreme Court in case of **Ziyauddin Burhanuddin Bukhari Vs. Brijmohan Ramdass Mehra and others**,² as regards the evidence in the form of tape records of speeches.

25. Last but not the least, there is one more glaring discrepancy in appreciating the evidence of P.W. 31 - Ahmed Javed – then Additional Commissioner of Police who had granted prior approval and P.W. -32 – M.N. Singh, then Commissioner of Police who issued a sanctioned order. Prior approval appears to be vague. It appears that the prior approval only indicates filing of more than one charge-sheets against one of the wanted accused in preceding period of ten years. It is not clear from the said order whether prior approval was *qua* Hemant Pujari or the applicant as both of them were **wanted** accused at the time of grant of prior approval on 18th June, 2001. The sanction appears to be against Ajay Mohite,

² (1976) 2 Supreme Court Cases 17

Pramod Dhonde and Rahul Pansare. It vaguely refers that the aforesaid persons have jointly committed the alleged act on behalf of an organized crime syndicate led by Hemant Pujari affiliated to the gang of the applicant. As such, there is no legal sanction to prosecute the applicant and, therefore, conviction of the applicant under the stringent provisions of the MCOC Act is indeed bad in law.

26. Order of suspension of execution of sentence has to be reasoned. Having carefully considered all the relevant aspects and also looking to the fact that the appeal may not be heard in near future, we are of the considered view that the applicant deserves to be released on bail by suspending execution of the sentence/s pending the appeal. There is sufficient material on record warranting suspension of execution of sentence and releasing the applicant on bail, pending the appeal. Now, to the order.

: ORDER :

(a) Application is allowed.

(b) Execution of the sentence awarded by the Special Judge, Greater Bombay on 30th May, 2024 in MCOC

Special Case No.06 of 2019 stands suspended pending the appeal, upon the applicant furnishing a P.R bond in the sum of Rs.1,00,000/- with one or two solvent sureties in the like amount to the satisfaction of the Special Judge at Greater Bombay.

(c) The applicant shall furnish his contact details and residential address to the Investigating Agency;

(d) The applicant shall surrender his passport, if any, before the Investigating Agency;

(e) The applicant shall not leave the jurisdiction of the Special Court without prior permission.

27. Needless to state that in case of breach of any of the aforesaid conditions, the prosecution is at liberty to seek cancellation of bail.

28. Application stands disposed of in the aforesaid terms.

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]