

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5071 OF 2025

Mohanlal Bhawarilal Pokharna and ... Petitioners
Ors.

V/s.

State Of Maharashtra ... Respondent

Mr. Omprakash Jha with Ahmed Padela i/by The Law Point, for the petitioners.

Mr. PP. Malshe, APP, for the State.

PSI-Shri Mahesh Sawant Goregaon Police Station, Present.

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CORAM : N.J. JAMADAR, J.

DATE : 25TH SEPTEMBER 2025.

PC:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order dated 3rd March 2025, whereby the learned Additional Sessions Judge, Dindoshi rejected an application preferred by the petitioners to modify the condition of attendance at Goregaon Police Station on every Monday, till filling of the charge-sheet.
3. The petitioners were arraigned in CR No. 34 of 2023, for the offences punishable under Sections 323, 406, 420, 504 and 506 r/w 34 of the Indian Penal Code, 1860.

4. By the order dated 25th January 2023, the Additional Sessions Judge was persuaded to grant the prayer of bail to the petitioners on the condition, inter alia, that they attend the Goregaon Police Station on every Monday between 11:00 am to 2:00 p.m., till the filing of the charge-sheet.

5. It appears that subsequently, the Investigating Agency has invoked the provisions contained in Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999. The petitioners preferred Writ Petition No. 3616 of 2023, assailing the invocation of the provisions contained in MPID Act, 1999. In the said petition, on 31st October 2023, the Division Bench of this Court passed an order, not to file charge-sheet without prior permission of the Court. The said order continues to operate.

6. In the aforesaid circumstances and in light of the situation in life of the petitioners, the petitioners filed an application seeking modification of the condition of attendance.

7. In the impugned order, the learned Additional Sessions Judge was persuaded to reject the application opining, inter alia, that since the investigation for the offences punishable under the MPID Act is underway, the attendance of the petitioners before the Investigating Officer appeared necessary to facilitate further investigation. Lest, the investigation would be hampered.

8. The record indicates that, the pre-arrest bail was granted to the petitioners on 25th January 2023, and, since more than two and half years, the petitioners have been appearing before the Investigating

Officer, every week. Undoubtedly, the investigation in connection with the offences punishable under Section MPID, Act is underway. However, the fact remains that, by an order dated 31st October 2023, the Division Bench of this Court has directed the Investigating Officer not to file charge-sheet without permission of the Court.

9. In these circumstances, and especially having regard to the fact that the petitioners have been appearing before the Investigating Officer every week for more than two and half years, the condition of attendance before the Investigating Officer every week operates onerously. Therefore, in the considered view of this Court, the said condition deserves to be modified suitably.

10. Hence, the following order:

ORDER

i) The petition stands allowed.

ii) The condition of attendance in the order dated 25th January 2023, stands modified as under:

a) The applicants (petitioners) shall henceforth appear before the Investigating Officer on the first Monday of every month between 11:00 a.m to 2:00p.m., till the filing of the charge-sheet.

Petition disposed.

(N.J. JAMADAR, J)