

GASG010011592022



Presented on: 10.10.2022

Registered on: 11.10.2022

Decided on: 14.10.2022

Duration: 03 Days -- Months -- Years

IN THE SESSIONS COURT, SOUTH GOA, AT MARGAO.

(Before Shri Irshad Agha, Sessions Judge)

Criminal Misc. Application No.76 of 2022.

In

Anticipatory Bail Application No.21 of 2022.

Pradip Mahatme,
son of Mr. Prabhakar Mahatme,
70 years of age,
married, citizen of India,
chartered accountant,
having residence at H. No.8/65A,
Near Telephone Exchange,
Altinho, Panaji, Goa.

... Applicant.

V e r s u s

Criminal Misc. Application No.76 of 2022

In

Anticipatory Bail Appln. No.21 of 2022

Page 1 of 7

1. The Public Prosecutor,
State of Goa,
Margao Goa.
 2. The Police Inspector,
Economic Offences Cell,
Altinho, Goa.
 3. Mr. Vivek Mangoli,
major of age,
authorized representative of
Chowgule and Company Pvt. Ltd.,
having office at Chowgule House,
Mormugao Harbour Goa,
Mormugao, Goa.
- ... Respondents.

Learned Advocate Shri Shivan Dessai for the applicant present through Video Conferencing at the time of arguments and order.

Learned P.P. Shri V.G. Costa for the respondents no.1 and 2 present at the time of arguments and order,.

Learned Advocate Shri R. Shaikh for the respondent no.3 present through Video Conferencing at the time of arguments and order.

O R D E R

(Delivered on this the 14th day of the month of October of the year 2022)

This is an application filed under Section 439-1(b) of Cr.P.C. seeking modification of Condition no.5 in Order dated

30.05.2022, passed by this Hon'ble Court in Anticipatory Bail Application No.21 of 2022.

2. The fact of the matter, in brief, is that an FIR was lodged against the applicant and others. During the pendency of the investigation, an application for anticipatory bail was filed. Bail was granted by order dated 30.05.2022 upon certain terms and conditions. Condition no.5 restrained the applicant from leaving the State of Goa without the prior permission of the Investigating Officer and this Court. The applicant herein has filed the present application to modify Condition no.5 thereby enabling the applicant to travel out of the State of Goa and restrict the movement of the applicant outside India.

3. It is the case of the applicant that he is a reputed Chartered Accountant, practicing since the year 1976 and having a firm "P.P. Mahatme & Co." which renders advisory services in respect of taxation, accountancy, etc. The applicant has clientele throughout India. He has to frequently travel within the country

for the purpose of attending meetings and conferences. Secondly, the applicant is a Senior Citizen and he suffers from reflux and heart related disease and has also undergone two bypass surgeries in the past. It is his case that on account of medical grounds, he has to fly to Mumbai to consult his doctors. The applicant also suffers from various skin-related problems and has to consult his doctor from Mumbai. On account of Covid-19 pandemic, he was consulting his clients and attending meetings through Video Conferencing. Recently, he has been advised to fly to Mumbai for health check-up. Therefore, this application to modify Condition No.5.

4. Respondent no.2 has filed a detailed reply opposing the application.

5. Heard arguments. Learned Advocate Shri Shivan Dessai for the applicant submitted in terms of the application and hence prayed that Condition No.5 may be modified. He also submitted

that in a connected matter, same condition has been modified in respect of a co-accused.

6. Learned Advocate Shri R. Shaikh appearing for the respondent no.3 vehemently opposed the application and submitted that the applicant has prayed for larger relief to remove Condition No.5. He also submitted that the prayers are not in consonance with the contents of the application.

7. The only point for my consideration is whether Condition No.5 can be modified thereby restricting the movement of the applicant within India and permitting the applicant to travel out of Goa. My answer to the same is in the affirmative for the following reasons:

R E A S O N S

8. As per Condition No.5, the applicant has been restrained from travelling out of the State of Goa without taking prior permission from the Investigating Officer and the Court.

Admittedly, in a connected matter, Condition No.5 has been modified. The applicant is a Senior Citizen. He may have to consult doctors on account of health problems. Being a Chartered Accountant, it is possible that the applicant may have to travel out of Goa to attend meetings and contact his clients. Although the applicant has prayed for larger relief to remove Condition No.5, I am of the opinion that partial relief can be granted to the applicant by modifying Condition No.5 and permitting the movement of the applicant within India. Such modification will enable the applicant to travel out of the State of Goa without any permission.

9. I, therefore, pass the following order:

O R D E R

The application is partly allowed.

Condition No.5 stands modified and shall be read as under:

Condition No.5. The applicant shall not leave India without the prior permission of the Investigating Officer and this Court.

It is made clear that all the other terms and conditions imposed by order dated 30.05.2022 shall continue.

Margao.

Dated: 14.10.2022

(Irshad Agha)
Sessions Judge,
South Goa,
Margao.

*Sf.