

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.124 OF 2022
IN
CRIMINAL APPEAL NO.676 OF 2021**

Dr. Anand Teltumbde] **Applicant**

Vs.

The National Investigation Agency and another.] **Respondents**

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Mr. Mihir Desai, Senior Advocate a/w Ms. Devyani Kulkarni, for Applicant.

Mr. Anil C. Singh, Additional Solicitor General a/w Mr. Sandesh Patil a/w Mr. Chintan Shah, for Respondent No.1- NIA.

Ms. Sangeeta Shinde, A.P.P, for Respondent No.2-State.

Ms. Sachin Chorge, PSI (NIA) Present.

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**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 2nd MARCH, 2022.

P.C.

1. Heard.

2. Considering the fact that the applicant has lost his second youngest brother- Milind Teltumbade in November, 2021 and also

the fact that the applicant is yearning to meet his mother at Chandrapur who is 90 years old to offer her moral support and to perform his duty as an elder brother, in our opinion, this application has humanitarian shade, which calls for appropriate response from this Court.

3. Mr. Sandesh Patil, learned Counsel for NIA submits, on instructions, received by him from the NIA, whose officer is personally present in Court, that NIA would have no objection, if the applicant is permitted to meet his mother at Chandrapur, under Police escort all throughout, and at the expenses of the accused.

4. Accordingly, we partly allow the application purely on humanitarian consideration with a view to enable the applicant to meet his mother at Chandrapur. As regards bearing of entire expenses by the applicant, we find that it may not be appropriate to make the applicant bear all the expenses as the applicant has no choice to decide upon the size of the Police contingent, in-charge of the task and so, we are of the view that it would be reasonable if the applicant is made to bear his own to and fro expenses. Hence, the following directions;

(a) The applicant is allowed to meet his mother at Chandrapur on 08.03.2022 and 09.03.2022 at the address furnished to this Court;

(b) To achieve the purpose of applicant's meeting with his mother on 08.03.2022 and 09.03.2022, the applicant shall be taken in Police Escort with appropriate *bandobast* to Chandrapur, in a manner, so as to reach Chandrapur by morning or afternoon of 8th March, 2022;

(c) The applicant shall leave Chandrapur along with Police escort under appropriate *bandobast* on 10th March, 2022 at appropriate time and if some time is available before leaving Chandrapur, the applicant shall be permitted to meet his mother even on 10th March, 2022, if it is possible and convenient;

(d) The applicant shall be brought back to Taloja Jail where he is presently lodged under Police escort with proper *bandobast* on 11th March, 2022, latest by 4.00 p.m.;

(e) The applicant shall be allowed to stay at Chandrapur during the above referred period. However, during night, the applicant shall be put up in proper and special custody with appropriate *bandobast*;

(f) Expenses on account of to and fro travelling and the stay at Chandrapur of the applicant shall be borne by the applicant;

(g) Expenses of Police escort and other expenses incurred for making necessary arrangements shall be borne by the State of Maharashtra and

(h) The applicant shall furnish in two days address of his mother at Chandrapur, with number of contact person to this Court and Taloja Jail Authorities.

5. It is made clear that this application has been allowed only to enable the applicant to meet his mother at Chandrapur at her house and, therefore, no other person except the family members residing in the house of mother of the applicant shall be permitted to meet the applicant by the Police escort.

6. The application is disposed of in the above terms.

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]