

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CRI-88-2020****IN****Stamp Number Main No.1417 of 2020**

Sameer Bhat

... Petitioner

Versus

State & Ors.

... Respondents

Shri S.S. Kantak, Senior Advocate with Shri Preetam Talaulikar, Advocate for the Petitioner.

Shri Sagar Dhargalkar, Additional Public Prosecutor for the Respondents No.1 & 2.

Shri C. Aryama Sundaram, Senior Advocate with Shri Shivan Desai, Advocate for Respondent No.3.

Coram:- DAMA SESHADRI NAIDU, J.**Date:- 10 DECEMBER 2020****P.C. :**

The applicant has come up with this clarification petition. It is said to be on two counts: that the applicant has neither conceded nor undertaken before this Court that he would be providing property as security worth ₹20.00 crores, as was mentioned in the order. Besides, the applicant also wants the Court to dilute the rigour of the condition for the applicant's return to the country once the investigating agency summons him.

2. In this context, Shri Kantak, the learned Senior Counsel for the applicant, submits that the applicant has no intention to delay his return if at all his presence is required here by the police. But he still may have to comply with the statutory constraints in operation in the country he is visiting. Shri Ariyama Sundaram, the learned Senior Counsel for the contesting respondent, has however submitted that the order calls for no interference—neither modification nor clarification.

3. After going through the record, I accept that the applicant has never undertaken in express terms that he would provide the property worth ₹20.00 crores as security. At any rate, the learned counsel, then, argued that the applicant has property worth about ₹20.00 crores in Goa itself. Besides, the applicant was willing to abide by any condition.

4. Under these circumstances, I hold that the condition of the applicant's offering as security property worth ₹20.00 crores stands undiluted. But the observation that the applicant has volunteered to do so stands removed.

5. Indeed, there is weight in the submissions advanced by Shri Kantak, the learned Senior Counsel, about the possible difficulty the applicant may face in his coming back at the earliest point of time, say one week, as noted in the order. Once the police summon him, he ought to come back at the earliest time; say, one week. But that period must be subject the statutory constraints or other COVID directives in force in the country the applicant is visiting. That is, if any condition such as quarantine requires the applicant to stay in the country of his visit beyond one week, that period must be excluded from the one week this Court fixed for the applicant to return.

With this clarification, I dispose of the applicant's application.

DAMA SESHADRI NAIDU, J.

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