

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CRIMINAL APPLICATION NO.213 OF 2015
IN
CRIMINAL APPEAL NO.1164 OF 2008**

Parmeshwar I. Ganiga	...	Applicant
V/s.		
The State of Maharashtra & Anr.	...	Respondents

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Mr.Virendra Pethe i/b. B.D.Joshi, Advocate for the Applicant.
Mrs.M.R.Tidke, APP for the Respondent/State.
Mr.H.S.Venegaonkar, Advocate for the Respondent No.2.

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CORAM : ABHAY M. THIPSAY J.

DATED : 28TH APRIL 2015

P.C.

1. Heard Mr.Virendra Pethe the learned counsel for the applicant. Heard Mr.H.S.Venegaonkar, the learned counsel for the respondent/CBI.

2. The applicant was, in the past, permitted to depart from India. Mr.Venegaonkar points out that on one occasion his application to depart from India was rejected (Criminal Application No.849 of 2013 decided on 3rd September 2013 Coram : M.L.Tahliyani J.) However, it is clear from the said order, that

the application was rejected on the basis that the appeal would be heard immediately. Since this has not happened, in my opinion, the question of granting permission to the applicant to travel abroad needs to be reconsidered.

3. In the ordinary course, the appeal is not likely to be taken up for final hearing within a short time. It does not appear to be likely that applicant would abscond, if permitted to go out of India.

4. Under the circumstances, I am inclined to allow the application subject to certain conditions.

5. The application is allowed.

6. There shall be no objection to grant a passport to the applicant, which shall be valid for a period of one year.

7. The application shall be permitted to depart from India and be in Singapore and Malaysia during the period from 10th July 2015 to 10th October 2015, on the following conditions :

- (a) The applicant shall give additional security for his appearance before this court by furnishing a surety in the sum of Rs.25,000/-; or by depositing cash amount of Rs.25,000/- in lieu of surety, and execute an appropriate bond;

- (b) The applicant shall not visit any country except Singapore and Malaysia;
 - (c) The applicant shall give his travel details such as Flight Number, Ticket Number, Visa Particulars, etc. to the Investigating Agency, in writing, at least 48 hours prior to his actual departure from India;
 - (d) The applicant shall furnish to the Investigating Agency his address aboard and the contact telephone numbers where he would be available for communication;
 - (e) The applicant shall, in any event, return to India by 10th October 2015 and report to the Investigating Agency within two weeks thereafter;
 - (f) The applicant shall surrender his passport to the Investigating Agency on his return to India.
8. The application is allowed in the aforesaid terms.

(ABHAY M. THIPSAY J.)