

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.263 OF 2015

IN

CRIMINAL APPEAL NO.1123 OF 2013

VIRENDRA KUMAR GUPTA

)...APPLICANT

V/s.

CBI ACB MUMBAI AND ANR.

)...RESPONDENTS

Mr.Samar Choudhary, Advocate for the Applicant.

Mr.Rajesh Desai, Advocate for Respondent No.1.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 9th MARCH 2015.

P.C. :

1 Heard Mr.Samar Choudhary, the learned counsel for
the applicant. Heard Mr.Rajesh Desai, the learned counsel for the
CBI.

2 The appeal, filed by the applicant, challenging his conviction and the sentence imposed upon him, is pending before this court, and in the ordinary course, it is not likely to be taken up for final hearing within a short time. By this application, the applicant prays that, he be granted permission to travel abroad for a period of fifteen days during the period from 30th April 2015 to 16th May 2015.

3 Though the journey which the applicant intends to perform, is indeed a pleasure trip, and though there is no compelling necessity to travel abroad, I have considered the matter sympathetically. It is because, the applicant appears to have planned a trip with his family members and such trips to foreign countries would not be undertaken by the applicant with his family frequently. The duration for which the applicant wants to be away from India is limited. The circumstances do not suggest that the applicant is not likely to return to India, if granted the requisite permission.

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

5 The applicant is permitted to depart from India during the period from 30th April 2015 to 16th May 2015 on the following conditions :

- (i) The applicant shall furnish a surety in the sum of Rs.1 Lac or deposit cash of Rs.1 Lac in lieu of surety, as and by way of additional security for his appearance before this court.
- (ii) The applicant shall give the details of his proposed journey to the Investigating Officer in writing. Such details shall include the places of destination, the ticket numbers, visa particulars, etc.
- (iii) The applicant shall also furnish to the Investigating Officer his address/addresses abroad and telephone numbers, where he would be available for communication.

- (iv) The applicant shall report to this court within a week from his return to India.

6 The application is allowed in the aforesaid terms.

(ABHAY M. THIPSAY, J.)