

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 1228 OF 2015

Susan N. Chatterjee

... Petitioner.

V/s.

State of Maharashtra

... Respondent.

Through EOW, Unit-III, Mumbai.

Mr. A. Kumbhakoni, Senior Advocate a/w. Vikrant Negi and
Rahul Sinha i/by DSK Legal for the Petitioner.

Mrs. A. A. Mane, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 30th MARCH, 2015

P.C. :

1 Admit. By consent, heard finally at the admission stage.

2 The petitioner is aggrieved by the impugned order passed by the learned Special Judge appointed under MPID, Act. The applicant/ petitioner was initially arrested for the offences punishable under sections 120B and 420 of the Indian Penal Code and sections 3,5 and 6 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and she was produced before the Additional Chief Metropolitan Magistrate, who granted her bail. Later on provisions of MPID Act [Maharashtra Protection of Interest of Depositors (in Financial

Establishments) Act, 1999] have also been applied and investigation is in progress. The passport of the petitioner was seized by the Economic Offence Wing- Unit III, Mumbai. It was returned to her for renewal and she was directed to deposit the same back with the office of the Economic Offence Wing, Unit III, Mumbai. Investigation is in progress since last about two years and no chargesheet has been filed. The petitioner had applied for relaxation of one of the conditions imposed by the Additional Chief Metropolitan Magistrate by order dated 26.09.2014, which is as under :

“4. Accused should not leave India without permission of the Court.”

3 The learned Special Judge under the MPID refused to modify the said condition of bail. In the result, the prayer for grant of leave to travel abroad was rejected. The petitioner has, therefore, moved this court by way of present petition.

4 Learned senior counsel Mr. A. Kumbhakoni is heard on behalf of the petitioner and learned additional public prosecutor Mrs. Mane is heard on behalf of the State. Learned additional public prosecutor has submitted that she has not been instructed in the petition and that she may be granted time. At the same time, she strongly opposed this

petition on the ground that serious charges are leveled against the petitioner.

5 In my opinion, considering the nature of the prayer, it is not necessary to adjourn the petition. No doubt the investigation is in progress and the charges are of serious nature. However, despite the pendency of the investigation a liberty of the citizen has to be curtailed to a reasonable extent. The Petitioner wants to travel abroad for a period of one week only, during the period between 21st April, 2015 onwards. In my opinion, the prayer is reasonable and needs to be granted particularly when there is no apprehension of the petitioner, running away from the investigation. An absence of the petitioner/applicant for a week's period is not going to create any hurdle in the investigation of the case.

6 Hence, I pass the following order :

- i. The order passed by the learned Special Judge is set aside.
- ii. The petitioner is permitted to travel abroad/ Hong Kong for a period of one week from 21st April, 2015 onwards.

iii. Her pass-port be returned to her by the Investigating Officer.

iv. She shall execute personal bond of Rs.One Lakh that she will return to India immediately after expiry of the leave granted by this court.

v. She shall re-deposit her passport with the Investigating Officer within a period of 48 hours from the time of her return to India.

7 The writ petition is allowed in the above terms and stands disposed of accordingly.

(JUDGE)

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