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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 412 OF 2015**

Union of India ... Applicant

Versus

Mr. Irfan Mohamed Ismail Molvi and anr. ... Respondents

Mr. R.K. Pathak for the applicant.

Mr. Rizwan Merchant for respondent no. 1.

Mr. V.B.K. Deshmukh, A.P.P. for State.

**CORAM : M.L. TAHALIYANI, J.
DATED : JUNE 08, 2015**

P.C.

Heard learned Special P.P. Mr. Phatak on behalf of the applicant,
Mr. Merchant, learned counsel on behalf of respondent no. 1 and learned
A.P.P. on behalf of State.

2. This application is filed by the Customs Department against the order passed by the Magistrate and learned Additional Sessions Judge in Criminal Revision Application No. 367 of 2015. This revision application was filed against the order of the Additional Chief Metropolitan Magistrate, 19th Court, Esplanade, Mumbai granting permission to respondent no. 1 to travel

to U.K. for the period of two months from the date of his departure on furnishing a cash security or bank guarantee of Rs.3 lac. The Sessions Court rejected the revision application and hence, the applicants have moved this court by way of present application under section 482 of the Code of Criminal Procedure to challenge the order passed by the courts below.

3. The main objection on behalf of the applicant is that respondent no. 1 has British Passport and if he is permitted to travel to U.K. for two months, there is a reasonable apprehension that he may not come back. This apprehension of respondent no.1 was considered by the learned Magistrate and he was of the view that the security of Rs. 3 lac would be sufficient enough to deter respondent no. 1 from fleeing the justice. In this regard it may be mentioned here that the departmental enquiry against respondent no. 1 has been initiated. The complaint has not yet been filed. Even sanction for complaint has not been obtained by the department. It is possible that after holding the departmental enquiry, the applicant may not even prosecute respondent no. 1.

4. In addition to this, it may also be mentioned that the parents of respondent no. 1 are staying in India. He has been frequently visiting India. Therefore, in my opinion, apprehension of the applicant that he will not come back, does not appear to be based on sound footings. I do not find anything

wrong in the order of the learned Magistrate and learned Additional Sessions Judge. The revision application stands dismissed.

(JUDGE)