

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

CRIMINAL APPLICATION NO. 576 OF 2015

Mr. Nilesh C. Mehta

.. Applicant

v/s.

Directorate of Revenue Intelligence and Anr. .. Respondents

Mr. Dinesh Tiwari a/w Swapnil Ambore, Mikhail Dey, Tripti Yadav
i/b Dinesh Tiwari & Associates for the applicant

Mr. Francis Saldanha, Spl. P.P. for respondent no.1

Mrs. R.V.Newton APP for respondent State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 23rd SEPTEMBER, 2015.

P.C.

1. Heard. Rule. Rule is made returnable forthwith.
2. By this application, the applicant herein has challenged the order dated 12th August, 2015 whereby the learned Special Judge has rejected his request to travel abroad.
3. The applicant was accused in NDPS Special Case No. 212 of 2011. He was released on bail vide order dated 8th August, 2011

and one of the conditions was that the applicant would not leave India without prior permission of the Court. By application filed in July, 2015, the applicant-accused had sought leave to travel to (i) Vietnam from 17th August, 2015 to 28th August, 2015 (ii) Korea from 1st September, 2015 to 10th September 2015 and (iii) to Spain from 10th October, 2015 to 19th October, 2015. By the impugned order dated 12th August, 2015, the learned Special Judge allowed the applicant to travel to Vietnam from 17th August, 2015 to 28th August, 2015. However, the learned Special Judge refused permission to travel abroad after 28th August, 2015.

4. The learned counsel for the applicant has submitted that the applicant is a Business-man and has travelled abroad in connection with his business transactions or dealings. He has submitted that the applicant has earlier travelled with the permission of the Court and that necessary permission be granted to the applicant to travel abroad. The learned counsel for respondent No.1 has submitted that he has no objection provided that the applicant gives details of his itinerary and deposits his

passport on his return.

5. The applicant is an Indian national and has roots in the country. The applicant has earlier travelled abroad with the permission of the Court and during such travel, he has not violated any of the conditions of bail. The learned Special Judge has not given any reasons to decline the request of the applicant to travel abroad. It is pertinent to note that the trial has not commenced and depriving the applicant to travel abroad indefinitely, without there being any embargo will be prejudicial to the rights and interest of the applicant.

6. Under the circumstances, application is allowed. The impugned order is quashed and set aside. The applicant-accused is permitted to travel to Spain between 10th October, 2015 to 19th October, 2015. The applicant shall give details of his itinerary and his address, phone number and contact details to the learned

Special Court as well as the Investigating officer. The applicant shall deposit a cash of Rs.5,00,000/- before the Special Court. It is submitted that the applicant has already deposited a sum of Rs.5,00,000/- while travelling abroad previously and that the said amount is still lying in the Registry of the Sessions Court. The said amount shall be treated as deposit and shall stand forfeited if the applicant does not return within time.

7. The Registrar, Sessions Court to return the passport to the applicant-accused.

8. The Criminal Application is disposed of. Rule is made absolute.

9. Parties to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

Certificate

Certified to be true and correct copy of the original signed
judgment / order.