

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

CRIMINAL APPLICATION NO. 440 OF 2015
IN
CRIMINAL APPLICATION NO. 205 OF 2015
IN
CRIMINAL WRIT PETITION NO.1423 OF 2012

Sushil Kumar Saxena .. Applicant

In the matter between
Sushil Kumar Saxena .. Petitioner

v/s.
Mohammad Sami Ahmed & Anr. ..Respondents

Mr. Amol D. Wagh i/b Sagar V. Kasar for the applicant
Mr. Pankaj Thatte for the respondent
Mrs. R.V. Newton, APP for respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 14th OCTOBER, 2015.**

PC.

1. Heard. Rule. By consent rule is made returnable forthwith.
2. By this application, the applicant has sought leave to travel to U.S.A. for a period of 6 months from October, 2015 till April, 2016. The learned Counsel for the respondent has objected the application mainly on the ground that the 6 month's period is very

long period to grant such permission. He has further submitted that even if the request is granted, stringent conditions be imposed and the applicant be directed to appear before the trial Court as and when required.

3. The applicant herein is facing prosecution for the offence under Section 138 of the N.I. Act. It is not in dispute that the trial Court proceedings have been stayed by the order of the Hon'ble Supreme Court. The presence of the applicant is, therefore, not necessary before the trial Court at this stage.

4. Considering the grounds stated in the application and the fact that the applicant is an Indian national and has roots in the country, there is no impediment for allowing the applicant to travel to USA for a period of 6 months from October, 2015 to April, 2016.

5. Under the circumstances, the application is allowed. The

applicant is permitted to travel to USA for a period of 6 months from October, 2015 to April, 2016. The applicant shall give details of his itinerary and his address, phone number and contact details to the learned trial Judge as well as the Investigating Officer. The applicant shall deposit cash of Rs. 1,00,000/- before the learned Metropolitan Magistrate Court. It is submitted that the applicant has already deposited a sum of Rs.1,00,000/- while travelling abroad previously and that the said amount is still lying in the Registry of the Metropolitan Magistrate Court. The said amount shall be treated as deposit and shall stand forfeited if the applicant does not return within time.

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

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

(ANUJA PRABHUDESSAI, J.)