

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 171 OF 2016

Mr. Damodar S/o Raghavendra Kamath ... Applicant.

Versus

Central Bureau of Investigation, EOW

Mumbai.

... Respondent.

Mr. Vijaya Mistry, for the Applicant.

Ms. Rebecca Gonsalvez for respondent.

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

CORAM : SMT. SADHANA S. JADHAV, J

DATE : 22nd April, 2016.

P.C.:

1 The learned Counsel Ms. Gonsalvez waives service for the respondent. Rule. Rule made returnable forthwith with consent of the parties.

2. The applicant herein had filed an application before the Special Judge, CBI, seeking permission to apply for a passport. The applicant is facing trial for the offence punishable under Sections 120B, 420, 406, 409, 465, 467, 468, 471 of Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of

Corruption Act, 1988. The applicant is on bail. The previous application filed by the applicant seeking permission to leave India was rejected on 13.6.2014. The applicant sought permission to apply for issuance of a passport in the changed circumstances that his daughter who is in U.S.A. Is pregnant and is like to deliver the child in April 2016 and, therefore, he desires to travel to U.S.A. along with his wife. The learned Special Judge, CBI, by an order dated 2.11.2015 has rejected the said application on the ground that the earlier application was rejected.

3. Taking into consideration the fact that the applicant and his wife need to travel abroad to USA to take care of their pregnant daughter, in the interest of justice, it will be appropriate to permit the applicant to apply for issuance of a passport.

4. The learned counsel for the applicant, upon instructions, submits that the applicant does not have any other passport. She also submits that to substantiate her contention, the applicant would file an undertaking before the CBI Office that the applicant does not possess any other passport.

5. In view of this, the application is allowed. The applicant is at liberty to file an application for seeking a passport.

Application is allowed in terms of prayer clause (a) and stands disposed of.

(SMT. SADHANA S. JADHAV, J)