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

CRIMINAL APPLICATION NO.1205 OF 2016

Virendra Laxmidas Thakkar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Rahul Arote, for the Applicant

Mr.Avinash Kamkhedkar, A.P.P for the Respondent-State.

I.O – P.I John, EOW, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th OCTOBER, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant has impugned the order dated 26th September, 2016, passed by the learned Additional Sessions Judge, Thane, below Exhibit – 114 in Special Case MPID No.16 of 2005, by which the learned Sessions Judge was pleased to reject the applicant's application seeking permission to travel to USA from 7th November to 30th November, 2016.

3. Learned Counsel for the applicant submitted that the applicant was earlier granted permission to travel abroad for business purpose, almost on 8 occasions, and that the applicant has complied with the said orders, permitting him to travel abroad. He submitted that the applicant's son is getting married in the US on 26th November, 2016. He has annexed the Marriage Invitation Card, which is on page 26 of the application. He submitted that the applicant be permitted to travel to USA from 7th November to 30th November, 2016 for the purpose of attending the wedding of his son. Learned Counsel on the instructions of the applicant, who is present in Court, states that the applicant will return back to India on 30th November, 2016. He has tendered an undertaking of the applicant dated 17th October, 2016, stating therein, the details of the property held by him alongwith his wife and children. In the said undertaking, the applicant has undertaken to deposit the original title deeds of the Flat situated at B-1802, Evergreen, Rodas Enclave, Hiranandani Estate, Off. Ghodbunder Road, Thane (West), Mumbai – 400 607 and Flat bearing No.G-1, Building No.2, Shubharambh Co-operative Housing Society, Tikujiniwadi Road, Thane (West), Mumbai, as security. Learned Counsel for the applicant submits that the applicant is ready to deposit the original title deeds of the

aforesaid two properties in the Registry of this Court.

4. Learned APP states that the fraud amount in the said case is Rs.3,63,00,000/- and that an amount of Rs.7,36,00,000/- has been recovered after sale of the property. He submitted that the applicant be directed to give itinerary of the places, where he will be residing and the telephone numbers where he can be contacted during the said period.

5. Perused the papers. It appears that the applicant was earlier granted permission to travel abroad for business purpose almost on 8 occasions and that he had abided by the terms and conditions set out in the said orders. It appears that the applicant's son is getting married in USA on 26th November, 2016 and that the applicant intends to travel to USA from 7th November to 30th November, 2016 for attending the wedding of his son. The applicant has also tendered his undertaking in this Court stating therein, that he is ready to deposit the original title deeds of the two properties situated at Thane (West), Mumbai, only as security and that the same be returned back to him on his arrival back to India.

6. Considering the aforesaid, the application is allowed and the impugned order is quashed and set aside, on the following terms and conditions :

ORDER

- (i) The applicant is permitted to travel to USA from 7th November to 30th November, 2016;
- (ii) The applicant shall furnish the itinerary of the places, where he will be residing and the telephone numbers where he can be contacted during the said period, both to the Court seized of the matter and to the Investigating Officer of the concerned Police Station. The said itinerary to be submitted on or before 27th October, 2016.
- (iii) The applicant to deposit the original title deeds concerning the two properties, mentioned in paras 2 and 3 of the Undertaking, with the Registrar (Judicial-I), on or before 27th October, 2016. The aforesaid original title deeds be returned back to the applicant on his return back to India.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.