

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

WRIT PETITION NO. 807 OF 2017

Hitendra Vadilal Shah

... Petitioner

vs.

State of Maharashtra

... Respondent

Ms. Sanjana S. Chavan i/by Kulkarni & Associates, Advocate for the petitioner.

Mr. V. V. Gangurde, A.P.P. for the State.

Coram : Smt. R. P. SondurBaldota, J.

Date : 6th March, 2017

P.C. :

1. This petition challenges the order dated 20th February, 2017 by which the Sessions Court has rejected the petitioner's application to travel abroad during the period 25th March, 2017 to 16th April, 2017. The purpose stated by the petitioner of his travel abroad is to visit as a tourist the places, Prague, Bulgaria, Austria, Romania and Budapest. The second reason is the naming ceremony of relative which is to take place at Prague.

2. The reason stated in the impugned order for rejection of the application is that the purpose of visit is not of any emergency or of professional engagement. Ms. Chavan, the learned advocate for the petitioner points out that the application filed by the co-accused had been allowed by the Sessions Court on 19th September, 2016. The purpose stated in the application by the co-accused was to travel for business purpose.

3. The petitioner is arrayed as an accused in Crime No.26 of 2016 registered with Economic Offence Wing Housing Unit for the offence punishable under Section 409, 420, 120B r/w 34 of Indian Penal Code. The crime has been renumbered as Crime No. 49 of 2016 of EOW. The investigation is still in progress. The petitioner avers in the present petition that he has been co-operating with the investigating agency and he has produced all the documents as and when called for by it. There is also no possibility of his absconding as his family i.e. his mother, who is 87 years old and his daughters are staying back in India. The petitioner is a Director of M/s. Neminath Construction Pvt. Ltd., which has its office located in Mumbai. He is a permanent resident of Mumbai. Para 10 of the petition stating that he is going abroad with a group of more than 100 members for a tour and returning back on 16th April, 2017. Considering these facts, there is no chance of petitioner not returning to India to face the trial. Hence, the petition is allowed in terms of prayer clause "A" and "AA" subject to following conditions :

- (i) The petitioner is permitted to travel abroad during the period 25th March, 2017 to 16th April, 2017.
- (ii) The petitioner shall deposit cash security of Rs.1,00,000/- with the Trial Court. The deposit shall be forfeited in case of breach of any of the condition hereof.
- (iii) The petitioner shall furnish the detailed itinerary to the IO with the particulars of his address of stay and a local contacts.
- (iv) The petitioner shall furnish the particulars of his journey with the dates of departure from and arrival at India to the IO and shall report the IO on his arrival to India.

[Smt. R. P. SondurBaldota, J.]