

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

CRIMINAL WRIT PETITION NO.3241 OF 2017

Annand Madavrao Sarnaaik

...Petitioner

Versus

The State of Maharashtra & anr.

...Respondents

Mr. Rishi Bhuta i/b. M/s. A. S. Khan & Associates for the applicant.
Mrs. Rutuja Ambekar, APP for the respondent – State.
Mr. H. S. Venegaonkar for respondent no.2

CORAM : PRAKASH D. NAIK, J.
DATE : 11 AUGUST, 2017

P.C. :

1. The petitioner has preferred this petition seeking direction to return his passport for a period from 11th August, 2017 to 24th September, 2017 and also to allow him to travel to USA during said period.
2. Respondent no.2 while investigating the criminal case had seized passport of the petitioner on 8th June, 2016. The petitioner preferred an application for return of his passport to enable him to travel to USA which was rejected by the Sessions Court on 9th August, 2017. It is submitted that the copy of the order is not yet ready.
3. In view of the urgency, the petitioner has approached this

Court as the petitioner intends to travel abroad from 11th August, 2017.

4. Learned advocate for the petitioner submitted that the petitioner's daughter who is about 18 years of age has got admission in one of the reputed university in USA. The petitioner has to travel with her to see that she gets proper accommodation for lodging and boarding. It is further submitted that the petitioner is required to travel with his daughter so that her safety would be taken care of. It is submitted that the petitioner's daughter has got good opportunity to study abroad by getting admission in the University of Southern California. The copy of the relevant correspondence with regard to admission of the petitioner's daughter has been annexed to this petition.

5. Learned advocate for the petitioner also tenders the communication with regard to orientation programme of the petitioner's daughter with regard to her admission in the University of Southern California. In the said communication, it is stated that the orientation will commence from 14th August, 2017 and the same would get over till 15th August, 2017. It is further submitted that the college of the petitioner's daughter would commence on 21st August,

2017. It is submitted that the passport was seized on 8th June, 2016. The petitioner has cooperated with investigation. The chargesheet has not been filed against the petitioner. It is submitted that although in the application it is prayed that the petitioner to be allowed to go abroad from 11th August, 2017 to 3rd September, 2017, the petitioner would return to India on 24th August, 2017 and would return his passport to the Investigating Agency immediately within 24 hours after his return to India. It is submitted that the petitioner is the permanent resident of Mumbai having immovable properties. The wife of the petitioner and the other family members are resident of Mumbai. The petitioner is also willing to deposit the passport of his father, mother and son with the Investigating Agency.

6. Shri Venegaonkar, learned advocate appearing for respondent no.2 opposed the grant of the prayer. It is submitted that the petitioner is involved in the crime which is still under investigation and the chargesheet is not yet filed. The offences were registered under sections 120, 420 of IPC and under sections 13(2) r/w 13(1) (c) & (d) of P.C. Act. It is submitted that the petitioner is one of the director of M/s. Glodyne Technoserve Ltd. It is submitted that the case of the prosecution is that amount of Rs.32.5 crores has been

obtained by way of loan from various banks which has been remitted to the bank in United States. The investigating agency is apprehending that the petitioner may visit the said bank and may try to tamper with the evidence. It is therefore submitted that the application may be rejected.

7. Learned advocate for the petitioner submitted that the principal bank as alleged by the prosecution is situated in Philadelphia in USA. The petitioner is one of the director of the aforesaid company. It is further submitted that the petitioner would not visit the said bank during his stay in USA. It is further submitted that the petitioner is willing to furnish all the details as to where he would visit as well as contact numbers to the Investigating Officer.

8. Considering the aforesaid circumstances, and more particularly considering the fact that the petitioner's daughter is getting admission in University of Southern California relief as sought can be granted to the petitioner on certain terms and conditions.

:: ORDER ::

- (i) The petitioner is permitted to travel to USA from 11th August, 2017 to 24th August, 2017.

- (ii) The investigating machinery is directed to hand over the passport to the petitioner immediately.
- (iii) The petitioner is directed to deposit the passport of his father, mother and son with the investigating agency before travelling to USA.
- (iv) The petitioner is directed to deposit cash security in the sum of Rs.one lakh.
- (v) The petitioner shall not enter Philadeiphia during his visit to USA.
- (vi) The petitioner shall deposit his passport within 24 hours of his return from United States to the Investigating Agency. Thereafter, the Investigating Agency shall return the passports of father, mother and son of the petitioner which were deposited by the petitioner before leaving India.
- (vii) Petition stands disposed of.
- (viii) The parties to act upon the authenticated copy of this order.

[PRAKASH D. NAIK, J.]