

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

**CRIMINAL APPLICATION NO.1253 OF 2017
IN
CRIMINAL APPEAL NO.1164 OF 2008**

Parameshwar T. Ganiga

...Applicant

Versus

The State of Maharashtra (C.B.I.,
A.C.B., Mumbai)

...Respondents

.....

Mr. Virendra V. Pethe for the Applicant.

Mr. H.S. Venegaonkar, for the Respondent -CBI.

Mrs. M.R. Tidke, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 30th NOVEMBER, 2017.

P.C.:-

By this application, the Applicant has sought permission to travel to Singapore-Indonesia-Malaysia. Though the initial permission was sought for the period from 1.12.2017 to 1.3.2018, the Applicant has now stated that there is change in itinerary and he wants to travel from 20.12.2017 till 17.2.2018. The Applicant has placed on record the itinerary, which is taken on record and marked 'X' for identification.

2. The Applicant has been convicted for offences punishable

under Sections 420, 467, 471 and 120 B of the IPC and under Section 13(2) r/w. Section 13(1) (d) of the Prevention of Corruption Act. He has been sentenced to undergo maximum term of imprisonment of three years.

3. The Applicant has submitted that he wants to attend birthday of his grand-daughter on 20.12.2017 at Indonesia-Bali. The Applicant has further submitted that he also wants to visit his son at Singapore and to Malaysia. He could not visit Malaysia last time though permission was granted to him.

4. Mr. Virendra Pethe, the learned counsel for the Applicant has submitted that in compliance with the earlier order the applicant had deposited an amount of Rs.85,000/- and that he has not withdrawn the said amount and that the said amount to be considered as security in lieu of surety. He further submits that in the event the Applicant violates any terms and conditions of the order or fails to return to India as undertaken, said amount shall stand forfeited in favour of the State.

5. The Appeal is of the year 2017. Considering the large

pendency of the cases, the appeal is not likely to come up for hearing in the next couple of years. The records also reveal that the Applicant was earlier permitted to travel abroad. He has returned to India without violating any of the terms and conditions of the order. The Applicant is a permanent resident of the State and considering his above conduct, there are no chances of the Applicant absconding. Hence, the following order:-

(i) The application is allowed.

(ii) The Applicant is permitted to travel abroad from 20.12.2017 to 17.2.2018 as per the itinerary at Exhibit -'X'.

(iii) The Respondent -CBI to return the passport to the Applicant to enable him to travel abroad. The Applicant shall deposit the passport with CBI Authorities within 14 days from his date of return to India.

(iv) In the event the Applicant violates any of the conditions, the amount of Rs.85,000/- deposited before this Court shall stand forfeited.

6. All concerned to act on an authenticated copy of this order

(ANUJA PRABHUDESSAI, J.)