

Sarnobat

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

**CRIMINAL APPLICATION NO. 347 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1777 OF 2016
WITH
CRIMINAL APPLICATION NO. 348 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1778 OF 2016
WITH
CRIMINAL APPLICATION NO. 349 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1779 OF 2016
WITH
CRIMINAL APPLICATION NO. 350 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1780 OF 2016
WITH
CRIMINAL APPLICATION NO. 351 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1781 OF 2016
WITH
CRIMINAL APPLICATION NO. 352 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1782 OF 2016
WITH
CRIMINAL APPLICATION NO. 353 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1783 OF 2016
WITH
CRIMINAL APPLICATION NO. 354 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1784 OF 2016
WITH
CRIMINAL APPLICATION NO. 355 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1785 OF 2016
WITH
CRIMINAL APPLICATION NO. 356 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1786 OF 2016**

**WITH
CRIMINAL APPLICATION NO. 357 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 1787 OF 2016**

Abhijit Subash Gaikwad & Anr.	.. Applicants.
Vs.	
The State of Maharashtra.	.. Respondent.

Mr. Siddharth R. Karpe, for the Applicants.
Mr. S. R. Agarkar, APP for the Respondent.

CORAM : P. N. DESHMUKH, J.

DATE : 13th APRIL, 2018.

P. C. :

1. All these applications are filed by above named two applicants seeking permission to travel abroad in view of conditions imposed upon the applicants by this Court by its common order dated 6th February, 2018, by which applicants are restrained from going abroad without obtaining prior permission of the Court and on furnishing their permanent address to investigating officer along with documentary proof. Learned counsel for applicants during the course of hearing had not pressed application of applicant No. 2 Ajit Subhash Gaikwad for want of his travel itinerary and has contended that applicant No. 1 intends to travel European Countries with his family members in upcoming summer vacation from 22nd May, 2018 to 3rd June, 2018 and therefore, seeks permission in view of conditional order passed as aforesaid.

2. Case of prosecution involving applicants in the crime appears to be that applicants are partners of A.G. Construction company and had received certain amounts from various complainants for sale of flats. However, failed to deliver possession of flats and as such defaulted the amount mentioned in the FIR. The total amount involved in various crimes registered on the basis of separate complaint is Rs.2,08,01000/- .

3. The applicants during the hearing of their anticipatory bail applications without prejudice to their rights and to prove their bonafide had made a statement that they are willing to deposit above stated amount to the Registry of this Court and has accordingly deposited the same which after their application for grant of anticipatory bail was confirmed had withdrawn the same on seeking permission of this Court to give bank guarantee in respect of said amount.

4. The itinerary of applicant No.1 filed in support of the application prima facie substantiated applicant's case of his intention to go abroad along with his family members for spending summer vacation during above said period. Having considering the fact that the amount involved in this crime is already secured and as applicant No. 1 even otherwise appears to have been roots in the Society as he is having construction business along with other partners, application is allowed as per order below.

ORDER

- (i) Applications are partly allowed.
- (ii) Applicant No. 1-Abhijit Subhash Gaikwad involved in crime Nos.98/2016, 92/2016, 93/2016, 123/2016, 91/2016, 101/2016, 99/2016. 100/2016, 107/2016, 124/2016 and 97/2016 originally registered with Chandan Nagar Police Station, Pune, is allowed to travel abroad as per his itinerary at Exh. 'B' page 12 filed with the application during the period from 22nd May, 2018 to 3rd June, 2018.
- (iii) On returning back on 3rd June, 2018 applicant No. 1 shall immediately report his presence with investigating officer .
- (iv) Application of applicant No. 2 stands dismissed as not pressed.

[P. N. DESHMUKH , J.]