

Anand

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

WRIT PETITION NO. 1638 OF 2018

- | | | |
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| 1. | Kishor D. Shapriya | .Petitioners |
| 2. | Amish K. Shapriya | |

Vs.

The State of Maharashtra	.Respondent
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**WITH
CRIMINAL APPLICATION NO. 169 OF 2018
(For Intervention)
IN
WRIT PETITION NO. 1638 OF 2018**

Dhiren Pratapmal Bhandari	.Intervenor
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IN THE MATTER BETWEEN

- | | | |
|----|--------------------|--------------|
| 1. | Kishor D. Shapriya | .Petitioners |
| 2. | Amish K. Shapriya | |

Vs.

The State of Maharashtra	.Respondent
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**WITH
CRIMINAL APPLICATION NO. 204 OF 2018**

Dhiren Pratapmal Bhandari	.Applicant
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Vs.

Kishor D. Shapriya & ors.	.Respondents
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Mr. Rizwan Merchant a/w Mr. Akshay Bafna & Mr. S. Shetty i/b. M/s. Rizwan Merchant & Associates, Advocate, for the Petitioners
Mr. A. A. Palkar, APP, for the Respondent – State
Mrs. Sunanda Kumbhat a/w Mr. Kunal Kumbhat & Mr. P. Jain, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 26.04.2018

P.C.

. Pursuant to the administrative order passed by the Hon'ble the Acting Chief Justice, the aforesaid Writ Petition has been placed before this Court.

2. By this Petition, the Petitioners seek permission to travel abroad i. e. to London and Tanzania from 27.04.2018 to 15.05.2018.

3. Heard learned counsel for the Petitioners and the learned counsel for the Complainant.

4. The Applicant No. 1's daughter and the Applicant No. 2's sister's wedding is scheduled on 28.04.2018 in London. Learned counsel has relied on the Wedding Card as well as the booking made for the marriage. As far as the Applicant No. 2 is concerned, he is unable to travel abroad because of the restrictions imposed by the F. R. O. and

hence the Application is not pressed qua him. The Applicant No. 1 has tendered an Affidavit-cum-undertaking that he will return to India as mentioned in the said Affidavit. The Applicant No. 2 has also tendered an Affidavit-cum-undertaking that he will not file any Application for travelling abroad till the Applicant No. 1 returns to India. Same are taken on record.

5. Considering the same, the Application is partly allowed on the following terms & conditions :-

ORDER

(i) The Applicant No. 1 is permitted to travel to **London and Tanzania** between **27.04.2018 and 15.05.2018**;

(ii) The investigating officer will forthwith handover passport of the Applicant No. 1 as well as PIO card to the Applicant No. 1;

(iii) The Applicant No. 1 without prejudice to his rights & contentions to deposit a Demand Draft of Rs. 75,00,000/- in the Registry of this Court on or before 27.04.2018;

(iv) The Applicant No. 1's passport will be released on the Applicant No. 1 producing a receipt of the deposit of Demand Draft of Rs. 75,00,000/- in the Registry of this Court;

(v) The Applicant No. 1 shall deposit his passport & PIO card again with the investigating officer on his return on or before 18.05.2018;

6. At this stage, it is informed that LOC has been issued as against the Applicant No. 1. The investigating officer to forthwith withdraw the LOC issued as against the Applicant No. 1, as he is permitted to travel abroad. Learned APP to forthwith communicate the said order to the investigating officer.

7. In view of disposal of the Petition, the Intervention Application, being Cri. Appln. No. 169 of 2018 does not survive and same stands disposed of accordingly.

8. Cri. Appln. No. 204 of 2018 to be listed on **08.06.2018**.

(REVATI MOHITE DERE, J.)