

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

**CRIMINAL APPLICATION NO. 209 OF 2018
IN
CRIMINAL WRIT PETITION NO. 599 OF 2018**

Dharmesh Doshi ... Applicant

Versus

The State (at the instance of ... Respondents
CBI, EOW, Mumbai) & Anr.

Mr. Pranav Badheka I/by Prashant Pawar for Applicant.
Ms. Ameeta Kuttikrishnan for Respondent No.1.
Mrs. G. P. Mulekar, APP for Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : JULY 9, 2018.**

P.C. :

. The Applicant is facing prosecution in Special (CBI) Case No. 53 of 2006. The trial is pending before the Court of Sessions for CBI Special Cases, Mumbai.

2. The Applicant had preferred Writ Petition No. 599 of 2018 before this Court seeking permission to travel to UK and other countries. By order dated 15th March 2018 this Court permitted the Applicant to travel to UK for a period of one year from the date of order. It was further directed that the cash security amount deposited by the Applicant be continued till further orders. He was also directed to furnish his itinerary including his contact number of fax and telephone etc. while on tour in advance. He was also directed to keep his Advocate present before the Court on given dates. However, as far as the prayer for visiting the other countries is concerned, this Court granted liberty to move an application in case modification is required to travel abroad. Hence, the Petitioner - Applicant has preferred this Application.

3. The learned Counsel for the Applicant submits that the Applicant intends to visit Italy, Romania, Switzerland and all such countries within the European Union for business purposes and travel to Tibet, China and Nepal for religious purposes. The Applicant intends to travel to Kailash Mansarovar from 5th August 2018 to 20th August 2018. It is submitted that on eleven occasions the Applicant was permitted to

travel abroad. The orders granting such permissions are annexed to this Application.

4. It is submitted that in pursuant to the order dated 15th March 2018, the Applicant has already traveled abroad to UK. It is submitted that as and when the Applicant is required to visit other countries, he would furnish the details about his visit to said countries through his office at Mumbai. It is also noted that by order dated 15th March 2018 this Court had directed that in addition to Rs. 8,00,000/- which is already furnished as security, additional amount of Rs. 2,00,000/- be furnished so that the security amount will be made up to Rs. 10,00,000/-.

5. The Respondent – CBI has opposed this Application by filing reply. The learned Counsel for Respondent – CBI submits that on the pretext of seeking permission to travel to other countries, the Applicant is likely to abscond and it will be difficult to execute RCN/LOC/LR which is time consuming process. It is also submitted that the Applicant is holding the British Passport. It is further submitted that the Applicant is seeking a blanket permission to travel abroad without giving any specific details and in the absence of detailed programme, it will be difficult to track him

which will facilitate him to abscond. It is also stated that long duration of his absence before the trial court would affect the trial of the Applicant as well as the other Accused. It is also submitted that the discharge application preferred by the Applicant is pending before this Court.

6. It is pertinent to note that on several occasions, the Applicant was permitted to travel abroad which is fortified by orders annexed to this Application. The Applicant is permitted to travel to UK vide order dated 15th March 2018. It is noted that this Court has permitted the Applicant to travel to UK for a period of one year by furnishing security as stipulated in order dated 15th March 2018. The prosecution has contended that Applicant is holding British Passport, however, by order dated 15th March 2018 the Applicant is already permitted to travel UK by furnishing security.

7. The learned Counsel for Applicant had submitted that as and when the Applicant is required to travel to other countries as stated above other than UK, he would furnish the itinerary of his travel and other details about his telephone number, contact address, fax etc. to the Respondent – CBI through his office from Mumbai. It is also submitted

that the Applicant undertakes to appear before the trial court as and when directed by the trial court. It is also submitted that the Advocate representing the Applicant would represent him in the Court during his absence. The statements are accepted as an undertaking to this Court.

8. It is submitted that the entire programme of travel to the other countries will be concluded within the period of one year as directed by this Court vide order dated 15th March 2018. Taking into consideration the aforesaid circumstances, Application can be allowed. Hence, the following order.

ORDER

- (A) The Applicant is permitted to travel Italy, Romania, Switzerland and such other countries within the European Union, USA, Tibet, China and Nepal within a period of one year till 15th March 2019.
- (B) The Applicant through his office at Mumbai shall furnish his details/itinerary of his visit to the other countries in the nature of fax, contact numbers, address to the Respondent – CBI before he travels to the other countries.

(C) The Applicant shall file an undertaking before the trial court that he would appear before the Court as and when directed by the Court.

9. Criminal Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)