

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

CRIMINAL APPLICATION No.1042 OF 2018

Shri Rohit Shrikant Kothare ... Applicant

Vs.

Central Bureau of Investigation & anr. ... Respondents

Mr.C.S. Kotnis for the Applicant
Mr.H.S. Venegaonkar fo respondent/CBI
Ms.Rutuja Ambekar, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: OCTOBER 15, 2018

P.C.:

1. This application is moved for quashing and setting aside the order dated 5.7.2018 passed by the learned Special Judge, CBI, below exh.365 in CBI Special Case No.13 of 1996.
2. The applicant/accused is facing charges under the Prevention of Corruption Act. The complainant is in the box now. However, the applicant has moved the application before the learned trial Judge seeking permission to travel to United States of America for the period from 26.10.2018 to 6.1.2019 on the ground that he wanted to meet his son and to celebrate 50th birthday of his

son on 30.10.2018. The trial Judge granted permission to travel only for 7 to 8 days i.e., from 26.10.2018 to 2.11.2018 and also imposed a condition of depositing a security amount of Rs.2 lakhs and also to deposit the passport with the CBI, after his return.

3. The learned Counsel for the applicant submits that he is 76 years old and he has no grievance if the trial proceeds in his absence. He will file an application for exemption in this week before the trial Court so that the trial can proceed. He submits that he has already deposited a security amount of Rs.25,000/-, as he had visited United States of America earlier also and has returned.

4. Mr.Venegaonkar, the learned Counsel for the CBI has no objection and submits to the orders of the Court.

5. In view of the above, the order dated 25.7.2018 giving permission to that extent is maintained, however, it is modified as follows:

- i) The applicant/accused is allowed to travel to United States of America from 24.10.2018 till 18.12.2018.

ii) The applicant shall give his itinerary details numbers as also the residence address and contact numbers of his son to the CBI Court;

iii) The applicant/accused shall not abuse the permission given by this Court.

iv) The applicant/accused shall report to the CBI Special Court after his return i.e., on 19.12.2018.

6. With the above order, the application is disposed of.

7. Parties to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)