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

**CRIMINAL APPLICATION NO.1493 OF 2017
IN
CRIMINAL APPEAL NO. 767 OF 2016**

Dipendra Namibhai Upadhyay

..Applicant

Vs

The State at the instance of CBI BS & FC &Anr

..Respondents

Ms. Shraddha Warlikar for applicant.

Mr. V.V. Gangurde APP for State.

Mr. H.S. Venegavkar, Respondent No.2-C.B.I.

CORAM : A.S.GADKARI, J.

DATE : 5th MARCH 2018.

P.C.:

1] This is an application for return of passport and to permit the applicant to travel abroad, particularly at U.S.A. from 1st April 2018 to 30th June 2018 to visit his daughter's residence more particularly mentioned in para No.8 of the application. The respondent-C.B.I has filed a reply opposing the present application.

2] The applicant is convicted by the learned Special Judge (C.B.I.) by its Judgment and Order dated 25.11.2016 for the offences punishable under Sections 420, 467, 468, 471 read with Section 120B of the Indian

Penal Code and under Section 13(2) read with 13(1)(c) and (d) of the Prevention of Corruption Act in Special Case No.114 of 2004. The appeal preferred by the applicant has been admitted by this Court on 8.11.2016 and the applicant has been directed to be released on bail.

3] For the reasons stated in the application, I am inclined to permit the applicant to travel abroad and particularly to U.S.A from 1st April 2018 to 30th June 2018 to visit his daughter's residence.

Hence, the following Order:

(i) The applicant is permitted to travel abroad and particularly to U.S.A from 1st April 2018 to 30th June 2018 to visit his daughter's residence.

(ii) The respondent-C.B.I is directed to return the passport of the applicant on or before 15th March 2018.

(iii) The applicant shall submit his itinerary and phone number where he can be contacted in U.S.A. alongwith a colour photocopy of his passport to the Investigating Agency/CBI before he leaves India.

(iv) After his return to India on or before 30th June 2018, the applicant is directed to submit his passport to the Investigating Agency/CBI within a period of one week thereafter.

4] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)