

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL APPLICATION NO. 621 OF 2018**

|                          |                |
|--------------------------|----------------|
| Harshad Dhaneshlal Patel | .. Applicant   |
| Vs.                      |                |
| The State of Maharashtra | .. Respondents |

Mr.Suhas S.Deokar a/w Mr.Atmaram Patade, for the Applicant.  
Ms.Prajakta P. Shinde, APP for State.  
Mr.V.V.Kukade IO of Kandivali Police Station.

**CORAM : M.S.KARNIK, J.**  
**VACATION COURT**  
**DATE : 12<sup>th</sup> NOVEMBER, 2018**

**P.C. :**

.            Learned Counsel for the Applicant though has initially prayed for relaxation or cancellation of condition No. 3(d) in the order dated 23/07/2018, on instructions, now restricts this Application only to the extent of praying that the Applicant may be permitted to leave India for the period from 13/11/2018 to 20/11/2018.

2.            For the offence punishable under Sections 354, 323,

504, 506 of IPC, C.R No. 512 of 2017 was registered with the Kandivali Police Station against the Petitioner. Apprehending his arrest, he filed Anticipatory Bail Application No. 1395 of 2017 which came to be allowed subject to certain terms and conditions. Insofar as condition No.3(d) is concerned, the same reads thus :

“3(d) : Applicant shall not leave jurisdiction of this Court without prior permission of the Investigating Officer and Court till filing the Charge-sheet.”

3. The application filed before learned Sessions Judge for relaxing the said condition No. 3(d) and permitting the applicant to travel abroad is rejected by the order dated 03/11/2018.

4. It appears that the Applicant had purchased flat No. 1602 from the developer – Mr. Jayant Mehta. There were some disputes between the Applicant and developer -Mr. Jayant Mehta. Mr.Jayant Mehta's daughter alleged that on 12/11/2017 when the Applicant visited the house of the developer, some

scuffle took place between them. It is alleged that the applicant committed offence punishable under section 354 of IPC, C.R No. 512 of 2017 against the developer's daughter.

5. By an order dated 23/07/2018, the Applicant has already been granted pre- arrest bail subject to certain terms and conditions. The Applicant is a businessman /diamond merchant by profession. The Applicant has filed an additional affidavit dated 12/11/2018 in support of Application wherein he has stated the details of his stay abroad. He has stated that he is a diamond merchant and needs to leave India for urgent business related work in London for the period from 13/11/2018 to 20/11/2018. He has further stated that he needs to attend meeting in London in respect of rough diamond auction meeting, deal and for submission, signing of necessary documents and finalisation of the deal as per the procedure. He has given undertaking about the journey and residential details about his stay while at London. There are no criminal antecedents reported against the Applicant.

6. Learned APP opposed the Application.

7. Considering the fact that he is a businessman by profession and there is a dispute pending with the developer in respect of flat which the Applicant has purchased from him and further that he has already been granted anticipatory bail, I am inclined to allow the present Application in the following terms.

**ORDER**

1) The Applicant is permitted to leave India for attending the business related work in London from 13/11/2018 to 20/11/2018.

2) He shall furnish a detailed itinerary about the business trip with the Investigating Officer. The Applicant shall also submit the details of his residence along with necessary telephone/cell numbers where he is available while in London.

3) The Applicant undertakes to return by 21/11/2018 and upon his return, he shall report to the Investigating Officer

on before 22/11/2018.

8. The Application is disposed of.

**(M.S.KARNIK, J.)**