

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1743 OF 2017

IN

CRIMINAL APPEAL NO.341 OF 2007

ARUN DIGAMBAR KULKARNI

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Madan Gupta, Advocate for the Applicant.

Ms.S.V.Sonawane, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 9th JANUARY 2018

P.C. :

1 This is an application by the applicant/accused for permission to travel abroad that is to Sydney, Australia, for the period from 26th December 2017 to 20th March 2018.

2 Heard the learned advocate appearing for the applicant/accused. Her argued that infact on earlier occasion vide order dated 21st June 2017 passed by this court in Criminal

Application No.594 of 2017, the applicant/accused was permitted to travel to Sydney from October 2017 to December 2017, but because of non-renewal of passport and non-availability of visa, he could not travel to Sydney, Australia, in pursuant to this order dated 21st June 2017. Now he wants to travel as necessary formalities have been complied.

3 The learned APP submitted that on the same terms and conditions, as were imposed vide order dated 21st June 2017, the applicant/accused be permitted to travel abroad.

4 I have carefully considered the rival submissions and also perused the relevant record. The applicant/accused is convicted of offences punishable under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988. His appeal is pending for adjudication. In past, he has, on several occasions applied for permission to travel abroad and this court on several occasions had granted such permission to the applicant/accused. The applicant/accused has produced on record copies of such orders

permitting him to travel abroad. Lastly, even by order dated 21st June 2017 (Coram : Revati Mohite-Dere, J.), the applicant/accused was permitted to travel abroad but he could not travel abroad.

5 In this view of the matter, the applicant/accused is permitted to travel to Sydney, Australia, for the period from 26th December 2017 to 20th March 2018, on following conditions :

- i) The applicant/accused shall make arrangement for conducting the present appeal through a duly instructed advocate;
- ii) The applicant/accused shall keep the title documents, i.e., share certificate and registered conveyance of his Flat No.C1, Highway Co-operative Housing Society Ltd., Shiv Shrushti, Kurla (East), Mumbai – 400 024 deposited with the Registry till the time he returns from the journey abroad;

- iii) The applicant/accused shall inform the Anti Corruption Bureau, Mumbai, well before undertaking his travel, all details of his travel programme, i.e., flights which he proposes to take, places where he proposes to stay and means of communication with him like e-mail, mobile numbers etc.
- iv) The application stands disposed of.
- v) Parties to act on authenticated copy of this order.

(A. M. BADAR, J.)