

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

**CRIMINAL APPLICATION NO. 1224 OF 2017
IN
CRI. BAIL APPLICATION NO. 1756 OF 2015**

Mr. Keshav Ganesh Phatak ... Applicant.

V/s.

State of Maharashtra ... Respondent.

Mr. Harshwardhan Akolkar, Advocate, for the Applicant.
Mr. Vinod Chate, APP for the Respondent.

CORAM : P. N. DESHMUKH, J.

DATE : APRIL 20, 2018

P.C.

1 Heard learned counsel for the Applicant and learned Additional Public Prosecution for the State.

2 Learned counsel for the Applicant has placed on record additional affidavit of the Applicant alongwith the documents, establishing Applicant's presence in the court proceeding at Singapore on 01st May 2018. Learned counsel for the Applicant had contended that this court, while granting bail to the Applicant in C. R. No. 99 of 2010 registered with Vishrambaug Police Station, Pune, vide order dated 20.10.2015, imposed condition on the applicant to surrender his pass-port

within three days. The applicant has accordingly complied with the condition.

3 It is further submitted that the Applicant requires to travel abroad and, therefore, he seeks custody of his pass-port and permission to travel abroad. From the order dated 20.10.2015, while releasing the Applicant on bail, except for imposing condition to surrender pass-port with the police, no restrain appears to have been put upon the Applicant to not to leave India. It is the case of the Applicant that on three occasions earlier the Applicant had sought permission to travel abroad and for that purpose, he was allowed to obtain his pass-port and has accordingly traveled abroad.

4 Submissions advanced, as aforesaid, find substantiated from the copies of the orders of this court passed in Criminal Application No. 539 of 2016 dated 21.07.2016, Criminal Application No. 916 of 2016 dated 03.11.2016 and Criminal Application No. 460 of 2017 dated 16.06.2017. It is not the case of the prosecution that on any of these occasions, the Applicant had contravened/ violated any of the conditions imposed upon the Applicant while allowing him to travel abroad.

5 In the aforesaid circumstances and since the documents placed on record do establish that the Applicant is Defendant No.2 in a proceedings initiated in the Court at the

Republic of Singapore of which hearing is confirmed and scheduled on 01.05.2018, the Application is liable to be allowed.

6 Apart from the above, it is also the case of the Applicant that he is also required to travel to China for business purposes of which invitations letters are placed on record and he thus prayed that he may be allowed to travel abroad intermittently and not for a continuous period of one year, as mentioned in the Application as the Applicant has permanent residence at Pune, where his family members are residing.

7 From the documents on record, as aforesaid, the Applicant is found to have traveled abroad on three occasions earlier with permission of this court and has returned back to India and has also complied with the conditions imposed. However, there is nothing on record to establish that the Applicant's presence is required in China.

8 In the circumstances, the Applicant is permitted to leave India to visit Singapore on 1st May, 2018 for a period of one week from 1st May, 2018.

9 The Applicant shall submit his itinerary during his visit abroad to Vishrambaug Police Station, Pune showing his contact number, address and dates, where he shall be available

while at abroad. The Applicant shall return back to India on or before 8th May, 2018 and mark his presence with the Vishrambaug Police Station by intimating about his arrival.

10 The Applicant shall furnish cash security in the sum of Rs. One lakh to the Registrar of this Court. If cash security submitted by the Applicant any time before the Registry of this Court is still not withdrawn from the Registry, the same amount be continued as cash security for the purpose of the present application and in addition to the same, the Applicant shall submit one surety in the same amount with the Registry of this court.

11 On complying aforesaid conditions, the Applicant be supplied with his pass-port. Application stands disposed of in the above terms, as partly allowed.

(P. N. DESHMUKH, J.)

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