

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

CRIMINAL APPLICATION NO.134 OF 2019

Rajendra D. Swamy
alias Rajan D. Swamy

.. Applicant

Vs.

State of Maharashtra & Anr.

.. Respondents

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Mr.Pranav Badheka i/b. Mr.Prashant Pawar, Advocate for the Applicant.

Mr.Sandesh Pati, Spl. P.P. for CBI a/w. Ms.Divya Parab.

Ms.A.A. Takalkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 13, 2019.

P.C. :

This is an application seeking permission to travel abroad for a period of 12 months (one year). Applicant is also prayed for setting aside order dated 28th January, 2019, passed by the Special Court for CBI, vide Exhibit-257, rejecting permission to travel abroad.

2 Applicant was granted bail by the Special Court vide order dated 11th April, 2002, with the condition that the accused shall not leave India without prior permission of the Court. The proceedings are presently pending before the Special Court,

Mumbai (for CBI). Learned counsel for the applicant submitted that the applicant has been permitted to travel abroad at least on 30 occasions and he has complied the conditions and returned to India and, thereafter, attended the trial Court proceedings. Applicant had preferred an application before the Sessions Court seeking permission to travel abroad for a period of one year, which has been rejected vide order dated 28th January, 2019. Although, the applicant had prayed for permission to travel abroad for a period of one year, the applicant had tendered an affidavit presently restricting his relief to travel abroad for the period from 21st February, 2019 to 6th June, 2019. Learned counsel for the applicant has tendered affidavit indicating the itinerary. In the said undertaking, the details as to the time and the place where the applicant intends to travel are mentioned. The affidavit also indicate that the applicant shall remain present before the Special Court for CBI as and when ordered by the Sessions Court and as and when the charge-sheet would be filed. On all the dates his advocate would be present whenever he is travelling and would not dispute about his identity. Copy of the affidavit is taken on record and marked “X” for identification. The same is served upon the respondent no.2 – CBI.

3 Considering the aforesaid circumstances, this application can be allowed.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Application No.134 of 2019, is allowed;
- (ii) Applicant is permitted to travel to Dubai London/Europe, Singapore, West Africa, during the period from 21st February, 2019 to 6th June, 2019;
- (iii) Applicant shall furnish the details of his itinerary before he travels to Respondent no.2 including his contact number, place of his travel;
- (iv) Cash deposit made by the applicant, as a security for travelling is continued as security for his travel abroad as stated above;

- (v) In the event the applicant intends to travel abroad beyond the period stipulated above, applicant would be at liberty to prefer an application before the trial Court;
- (vi) Criminal Application stands disposed of.

(PRAKASH D. NAIK, J.)