

Anand

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

**CRIMINAL APPLICATION NO. 449 OF 2019
IN
CRIMINAL APPEAL NO. 1164 OF 2008**

Parmeshwar T. Ganiga .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

**WITH
CRIMINAL APPEAL NO. 1026 OF 2008**

Ramesh Shivraj Lohia .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPEAL NO. 1027 OF 2008**

Rasiklal Thakershi Mehta .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPEAL NO. 1028 OF 2008**

Shriniwas Mishrilal Lohia .Applicant

Vs.

The State of Maharashtra .Respondent

WITH
CRIMINAL APPEAL NO. 1031 OF 2008

Goptal Ramniwas Lohia .Applicant

Vs.

The State of Maharashtra .Respondent

WITH
CRIMINAL APPLICATION NO. 163 OF 2016
IN
CRIMINAL APPEAL NO. 1164 OF 2008

The Central Bureau of Investigation .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. V. V. Pethe, Advocate, for the Applicant
Mr. P. H. Gaikwad, APP, for the Respondent No. 1 – State
Mr. H. S. Venegaonkar, Advocate, for the Respondent No. 2 - CBI

CORAM : REVATI MOHITE DERE, J.

DATE : 29.03.2019

P.C.

. Heard learned counsel for the parties.

2. At the outset, learned counsel for the Applicant seeks leave to amend the prayers clauses. Leave granted. Amendment to be carried out forthwith.

3. By this Application, the Applicant seeks the following;
(i) a direction to the Respondent No. 2 – CBI to return the Applicant's passport; (ii) that no objection be granted for renewal of the Applicant's passport; and (iii) that the Applicant be permitted to travel to Singapore, Indonesia, Thailand and Malaysia from 18.05.2019 to 21.09.2019.

4. Perused the papers. It appears that on three earlier occasions, this Court permitted the Applicant to travel abroad. Learned counsel for the Applicant has annexed the said orders i. e. Exhs. 'A', 'C' & 'E'. He submits that the Applicant has complied with the said orders of this Court. He submits that at present, the passport is with the Respondent No. 2 – CBI and that the same has expired. He further submits that the Applicant aged 69 years is suffering from Cancer and is desirous of travelling to Singapore, to see his grand daughter who was born on 31.10.2018. He states that the Applicant intends to reside with his son at Singapore and intends to travel with the family to Indonesia, Thailand and Malaysia.

5. Learned counsel for the Applicant further submits that on earlier occasions, when this Court permitted the Applicant to travel abroad vide order dated 28.04.2015, the Applicant had deposited cash amount of Rs. 25,000/- and had executed a bond. He submits that the said amount is still lying with the Respondent No. 2 – CBI and hence, the Applicant may not be directed to again deposit any amount. Learned counsel for the Respondent No. 2 – CBI does not dispute the same. The said amount to be retained with the Respondent No. 2 – CBI till the Applicant returns to India.

6. Considering that the Applicant was directed by this Court to travel abroad on earlier occasions, the Application is allowed on the following terms & conditions :-

O R D E R

(i) The Applicant is permitted to travel abroad i. e. Singapore, Thailand, Indonesia & Malaysia during the period from **18.05.2019 to 21.09.2019;**

(ii) The Respondent No. 2 – CBI is directed to handover

the passport to the Applicant forthwith;

(iii) If an Application for renewal of passport is preferred by the Applicant, the Passport Authority shall consider the same **for a period of three years;**

(iv) The Applicant shall give his travel details such as Flight Number, Ticket Number, Visa Particulars, etc. to the Investigating Agency, in writing, **atleast 48 hours prior to his actual departure from India;**

(v) The Applicant shall on his return to India on 21.09.2019 shall report to the Respondent No. 2 – CBI within two weeks and surrender his passport to the Respondent No. 2 – CBI.

7. The Application is allowed & disposed of in the aforesaid terms.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)