

Anand

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

**CRIMINAL APPLICATION NO. 475 OF 2019
IN
CRIMINAL APPEAL NO. 376 OF 2016**

Suresh M. Kamath .Applicant

Vs.

The CBI, ACB, Mumbai & anr. .Respondents

Ms S. A. Vast, Advocate, for the Applicant

Ms V. Pusalkar i/b. Mr. H. S. Venegaonkar, Advocate, for the
Respondent No. 1 - CBI

Mr. S. V. Gavand, APP, for the Respondent No. 2 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.04.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks permission to travel to France in the month of April, 2019, Czech Republic from 25.05.2019 to 26.05.2019 and to the United Kingdom from 19.06.2019 to 28.06.2019, respectively.

3. Learned counsel for the Applicant submits that on

three earlier occasions, this Court had granted permission to the Applicant to travel abroad. She submits that however, on one occasion, the Applicant could not travel, as he received his passport late. Learned counsel relied on the Orders dated 29.08.2017 & 16.02.2018, passed by this Court. She submits that the passport is presently with the CBI and that the same has expired. She submits that the Applicant will also have to apply for renewal of the passport. Learned counsel for the Applicant orally submits that the Passport Authority may also be directed to consider issuing passport to the Applicant, for a period of two years.

4. Ms Pusalkar, Advocate h/f. Mr. Venegaonkar, Advocate does not dispute the fact, that on two earlier occasions, the Applicant had traveled abroad and that he had complied with the orders passed by this Court, whilst permitting him to travel abroad. She also does not dispute the fact that the Applicant's passport is with the CBI and the same has expired.

5. Perused the papers. The passport of the Applicant is

presently with the CBI and appears to have expired. It appears that the Applicant is required to travel abroad i. e. (France, Czech Republic and United Kingdom), for his business, to attend three trade fairs. It is also not in dispute that before being enlarged on bail, the Applicant had undergone 3/4th of his sentence. It is also not in dispute that the Applicant has complied with the orders dated 29.08.2017 & 16.02.2018 passed by this Court, whilst permitting him to travel abroad. The Applicant is a permanent resident of Dahisar (E), Mumbai.

6. Considering the aforesaid, the Application is allowed on the following terms & conditions :-

O R D E R

(i) The Applicant is permitted to travel to France, Czech Republic and United Kingdom, as mentioned in prayer clause (a) of the Application;

(ii) The Respondent No. 1 – CBI shall forthwith return to the Applicant his passport;

(iii) If an Application for renewal of passport is preferred by the Applicant, the Authority to consider issuing the same for a

period of two years;

(iv) The Applicant to give his itinerary to the prosecuting agency i. e. CBI. The Applicant shall also furnish his address of residence at France, Czech Republic and United Kingdom to the prosecuting agency i. e. CBI, and also supply his cell phone number which he intends to use while traveling abroad to the CBI before his departure;

(v) The Applicant shall return to India after completing his tour on 28.06.2019 and shall also report this fact within a week of his return to the prosecuting agency i. e. CBI;

(vi) Within one week of his return to India, the Applicant shall deposit his passport with the CBI.

7. The Application is, accordingly, disposed of.

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

(REVATI MOHITE DERE, J.)