

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

WRIT PETITION NO. 3168 OF 2019

Mr.Niamat Ullah

...Petitioner

Versus

The Central Bureau of Investigation & Anr.

...Respondents

.....

Mr.Gopalkrishnan Shenoy i/b. Mr.Pawan Mali for the Petitioner.

Ms.Ameeta Kuttikrishnan for Respondent No.1.

Mr.N.B.Patil, APP for Respondent No.2-State.

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CORAM : S. S. SHINDE, J

DATE : 21 June 2019

P.C.

1. Heard learned Counsel appearing for the petitioner and learned Counsel appearing for respondent No.1

2. It appears that the present petitioner filed an application before the Court of Special Judge for CBI at Greater Mumbai for return of the passport so as to enable the petitioner to get visa and travel to United States of America (U.S.A.). The said application has been rejected for the reasons stated in the order dated 4th June, 2019.

3. Learned counsel appearing for the petitioner has tendered across the bar a tentative itinerary wherein it is stated that the

petitioner wish to travel to U.S.A. and stay there till 31st July, 2019, which is taken on record. The purpose of visit is also stated in the itinerary.

4. Learned counsel appearing for respondent No.1 submits that next date fixed before the Special Court is 26th June, 2019. Therefore, she submits that this Court may pass an appropriate order keeping in view the next date fixed for hearing of the pending proceedings before the Special Court.

5. Learned counsel appearing for the petitioner has placed on record the orders passed by the learned Special Judge for CBI, who time to time allowed the prayer of the petitioner to travel abroad. One of such order has been passed by the learned Special Judge on 9th June, 2010. The prayer of the petitioner was considered and he was allowed to travel aboard.

6. On specific query to learned Counsel appearing for respondent No.1, that whether the petitioner has caused breach of any condition or time frame mentioned in the orders allowing the petitioner to travel aboard, learned counsel, on instructions, submits that there is no breach of any condition.

7. There does not appear any valid reason on record to deny the prayer of the petitioner to travel abroad. The petitioner is allowed to travel aboard after 27th June, 2019 on a condition that he will return on or before 31st July, 2019, and report to the concerned officer on 2nd August, 2019. The concerned officer from CBI Department to handover the passport to the petitioner. On return from abroad, the petitioner shall deposit the passport with the concerned authority.
8. With the above observations, Writ Petition stands disposed of.
9. Parties to act upon an authenticated copy of this order.

[S. S. SHINDE , J]