

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

CRIMINAL APPLICATION NO. 1177 OF 2019

Ramesh Lakhulal Chaurasia & Anr.

...Applicants

Versus

The State of Maharashtra

...Respondents

Mr. Kevic Setalvad Senior Advocate a/w. Mr. Akhilesh Dubey, Mr. V.R. Mishra i/b. Law Counsellors for Applicant.

Mr. N.B. Patil, APP for Respondent – State.

CORAM : S.S. SHINDE, J.

DATE : 03rd SEPTEMBER 2019

P.C.:

1. Heard learned senior counsel appearing for Applicants and learned APP appearing for the State. Being aggrieved by the order passed by the Additional Sessions Judge, Thane in Criminal Misc. Application No. 403/2019, rejecting the prayer of the applicant to allow him to travel abroad by impugned order dated 27th August 2019, this application is filed.

2. Learned senior counsel appearing for Applicants has tendered across the bar, affidavit of Applicants, same is taken on record. It is submitted that, in all there are 35 cases wherein

Applicants are accused. However, out of 35 cases in 10 cases there is restriction to travel abroad. It is submitted that, out of 10 cases in 9 cases, respective Courts have granted permission to Applicants to travel to United Kingdom for the period 1st September 2019 to 30th September 2019. It is submitted that, in 9 cases, the prayer of Applicants is allowed. Only in one case by the impugned order prayer of Applicants to allow them to travel United Kingdom for aforesaid period has been rejected. It is submitted that, the purpose for which Applicants wants to travel may be considered.

3. Upon hearing learned senior counsel appearing for Applicants and learned APP appearing for the State and keeping in view the fact that, other Courts i.e. Additional Sessions Judge, City Sessions Court/Special Court, Court Room No. 16, Mumbai, allowed the Misc. Application No. 2---/2019 filed by Applicants and there are other similar orders wherein Applicants are permitted to travel to United Kingdom from 1st September 2019 to 30th September 2019, the ends of justice would be met in case the following order is passed:-

1. Criminal Application is allowed.

2. The impugned order dated 27th August 2019 is quashed and set aside.

3. The applicants/accused Ramesh Lakhulal Chaurasia and Achal Ramesh Chaurasia are allowed to travel United Kingdom for the period from 01/09/2019 to 30/09/2019.

4. The Applicants shall deposit an additional cash security of Rs. 1,00,000/- (Rupees One lac only) each with the Court, in the form of fix deposit. Which shall be refundable to them on their return.

5. The Applicants are directed to furnish the itinerary to the department within 48 hours from departure.

6. The Applicants are directed to furnish two references along with their consent, who can be contacted in his absence by the department. After arrival in the country, Applicants to intimate this Court

accordingly.

7. The Applicants shall not seek adjournment or dispute the identity during the course of inquiry or trial. They shall remain present when so directed.

8. Needless to observe that, after Applicants return from United Kingdom, they shall inform the concerned Investigating Officer and also the Registry of the concerned court that, they are arrived/returned back to India.

9. The Criminal Application is allowed to above extent and stands disposed of accordingly.

(S.S. SHINDE, J.)