

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

**CRIMINAL APPLICATION NO.1451 OF 2018
IN
CRIMINAL BAIL APPLICATION NO.286 OF 2018**

Sameer Magan Bhujbal

...Applicant

Versus

Assistant Director, Directorate of Enforcement
& ors.

...Respondents

Mr.Prasad Dhakephalkar, Senior Advocate a/w.Mr.Sajal Yadav and
Ms.Vineetha Khandelwal i/b. Mr.Shalabh K. Saxena for the applicant.
Mr.H.S. Venegaonkar, for Union of India.
Mr.R. M. Pethe, APP for the respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st FEBRUARY 2019

P.C. :

1. This is an application for relaxation of condition no. (f) stipulated in the operative part of order dated 6th June 2018 passed by this Court in Bail Application No.286 of 2018.

2. The applicant was directed to be released on bail in Special PMLA Case No.2 of 2016 pending before the Special PMLA Court, Mumbai on his executing PR bond in the sum of Rs.5,00,000/- with one or

two solvent local sureties in the like amount. The applicant was also directed to remain present before the Special PMLA Court, Mumbai on the fixed dates without fail unless and until prevented for medical reason. Applicant was directed to surrender his passport with the investigating agency, if not already surrendered and the applicant shall not leave the jurisdiction of the High Court of Bombay at Mumbai without obtaining the prior permission of trial Court.

3. Learned Counsel for the applicant submitted that the pursuant to the aforesaid order dated 6th June 2018, the applicant has complied all conditions. It is submitted that the applicant had sought permission for travel beyond the jurisdiction of this Court on several occasions and the applications were allowed. It is submitted that the applicant being former member of parliament from Nashik constituency and a senior member in the National Executive Committee of Nationalist Congress Party, required to visit the erstwhile constituency regularly and take up issues with the higher government in Delhi, in order to discharge his duties. He is member of Akhil Bhartiya Mahatma Phule Samta Parishad which organisation aims towards upliftment and growth of certain oppressed sections of the society. The applicant has to attend the meeting and public

gatherings of the said organization. The applicant was in custody for 26 months and in the meantime Enforcement Directorate has attached various properties of applicant. The adjudicating Authority as well as Appellate Tribunal to adjudicate upon the attachment are situated at New Delhi. He is required to travel to Delhi. It is submitted that the applicant has abided all the conditions, one of which is the surrender his passport with Investigating Agency. Hence, there is no apprehension that the applicant shall abscond or flee the Country. The applicant being National Congress Delegate, has to travel on short notice. It is submitted that the similar conditions were also imposed against co-accused and this Court vide order dated 4th September 2018 had relaxed such conditions.

4. Learned counsel for respondent-Union of India submitted that the complaint has been filed under the provisions of Prevention of Money Laundering Act, 2012 and proceedings are pending before the Special PMLA Court, Mumbai and further investigation is still going on.

5. It is noted that pursuant to grant of bail, the applicant has been permitted to leave jurisdiction of this Court be trial Court on several occasions vide order dated 24th August 2018, 16th October 2018, 12th

November 2018, 30th November 2018, 14th December 2018, 22nd January 2019. The applicant was permitted to travel to Delhi from 27.8.2018 to 29.8.2018 UAE and UK, from 8.11.2018 to 21.11.2018 Delhi, from 12.11.2018 to 14.11.2018 and 3.12.2018 to 5.12.2018, 16.12.2018 to 20.12.2018, 29.1.2019 to 31.01.2019. The applicant has surrendered his passport with Investigating Agency. The order granting bail imposes other conditions. It is not reported that while the applicant was granted permission to travel, he has tampered with evidence. It is made clear that by this order this Court has not permitted the applicant to travel beyond India. The applicant has apparently complied with all conditions and there is no complaint of breach of any condition.

6. Considering the aforesaid circumstances, condition no.(f) can be relaxed. Hence I pass following order;

ORDER

- (i) Criminal Application No.1451 of 2018 is allowed.
- (ii) The condition imposed by this Court vide order dated 6th June 2018 directing the applicant not to leave the

jurisdiction of High Court of Bombay at Mumbai without obtaining the prior permission of the Trial Court is relaxed and stands deleted.

(iii) Applicant is directed to intimate the Investigating Agency as and when he travels beyond State of Maharashtra about details of his travel and contact numbers to the Investigating Agency.

(iv) Criminal Application stands disposed.

[PRAKASH D. NAIK, J.]