

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

CRIMINAL WRIT PETITION NO.5436 OF 2018

Mr.Kishor D. Shapriya

... Petitioner

Vs.

The State of Maharashtra & anr.

... Respondents

**With
CRIMINAL WRIT PETITION NO.5437 OF 2018**

Amish K. Shapriya

... Petitioner

Vs.

The State of Maharashtra & anr.

... Respondents

**with
CRIMINAL APPLICATION NO.204 OF 2018**

Dhiren P. Bhandari

... Petitioner

Vs.

Kishor D. Shapriya & Ors.

... Respondents

Mr.M.K. Kocharekar with Ramsingh Rajput, P. Mala, Dipika Bhateja i/b Agrud Partners for the Petitioner in WP/5436/2018

Mr.Shoel Memon with Sajid Mohamed, Ramsingh Rajput, P. Mala, Dipika Bhateja i/b Agrud Partners for Petitioner in WP/5437/2018

Mr.Kunal Kumbhat for Complainant

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 7, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. In these two petitions, the petitioners i.e., the original accused Nos.1 and 2, who are prosecuted for the offences punishable under sections 420, 465, 467, 406, 468, 471, 477A r/w section 34 of the Indian Penal Code in C.R. No.323 of 2015 registered at Nerul police station, Navi Mumbai. They seek permission to go abroad and thereby pray to quash and set aside the order dated 26.10.2018 passed by the learned Sessions Judge refusing the said permission.
3. My attention is drawn to the earlier order passed by this Court dated 26.4.2018 giving permission to the petitioner No.1 to travel abroad and so also, the order of the Supreme Court dated 19.7.2018 to allow both the petitioners to travel abroad giving permission, is shown.

4. The learned Counsel appearing for both the petitioners submitted that the petitioners are having business in Tanzania and, therefore, both of them want to visit Tanzania for their business purpose and will return within 8 weeks. It is also submitted that accused No.1 is a citizen of Tanzania and accused No.2 is a citizen of United Kingdom

5. Learned Counsel for the original complainant while opposing the applications filed by the accused submitted that the applicants / accused have duped many persons and public sector banks and many cases are pending against them. Hence, they should not be allowed to leave India.

6. Heard the learned Counsel. Accused No.1 had earlier gone to Tanzania twice and accused No.2 had gone once and have returned and reported to the Court. Thus, in view of the submissions and the earlier orders, the following order is passed:

- i) The petitions are allowed.
- ii) The petitioners/accused are permitted to travel to Tanzania for a period of 8 weeks from the date they leave India, subject to a total deposit of Rs.1 crore i.e., Rs.50 lakhs

each. The amount of Rs.75 lakhs which is already deposited, can be adjusted and thus, an additional amount of Rs.25 lakhs shall be deposited before leaving for Tanzania.

iii) After their return, the petitioners shall report within two days to the trial Court where their case is pending.

iv) The petitioners/accused are directed to give their permanent address of residence in Tanzania.

v) They shall deposit their passport with the trial Court after they return to India.

7. Writ Petitions are disposed of accordingly.

8. Detag the Criminal Application No.204 of 2018 and list it on 3.4.2019.

(MRIDULA BHATKAR, J.)