

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

**INTERIM APPLICATION NO. 1245 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO. 819 OF 2013**

Bhagwan Pamnani

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. A. H. Nagi, for the Applicant.

Mr. S. S. Pednekar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 16th OCTOBER, 2020

P.C. :

1. This is an application for permission to travel abroad.

The Applicant was granted anticipatory bail by this Court (Coram:

Smt. R.P. SondurBaldota, J.) vide order dated 8.8.2013 passed in

Anticipatory Bail Application No.819/2013. While granting

anticipatory bail, the Court has imposed a condition, the exact

words are as follows :

“The applicants shall not leave India without the previous permission of the court.”

2. Heard Shri A. H. Nagi, learned Counsel for the Applicant and Shri S. S. Pednekar, learned APP for the Respondent-State.

3. Learned Counsel for the Applicant submitted that in Criminal Application No.572/2014 in Anticipatory Bail Application No.819/2013 this Court (Coram: Mrs.Mridula Bhatkar, J.) on 26.8.2014 had granted permission to co-accused Kaushik Chandawala to travel abroad.

4. Subsequently, the present Applicant was also granted permission to travel abroad, vide order dated 8.8.2016 passed by this Court (Coram: P.N. Deshmukh, J.) passed in Criminal Application No.610/2016 in Anticipatory Bail Application No.819/2013.

5. Learned Counsel for the Applicant submitted that though the trial has commenced and it has made substantial progress, due to pandemic it will take further time to reach its conclusion. He, therefore, submitted that the Applicant desires to go abroad urgently and he should be granted such permission.

6. Learned A.P.P. Shri Pednekar pointed out that the trial Court would be in a better position to consider this request taking into account the evidence which is brought on record during trial.

7. I have considered both these submissions. It is true that on the earlier occasions, this Court had granted permission to the Applicant and his co-accused to travel abroad. These orders were passed in the year 2014 and 2016. The order of anticipatory bail itself was passed in the year 2013. Thereafter the trial has commenced and certain evidence has come on record. In this view of the matter, the trial Court would definitely be in a better position to consider the Applicant's request because the nature of evidence and the gravity of the case will be better appreciated by the trial Court in the changed circumstances.

8. The order granting anticipatory bail does impose a condition on the Applicant to seek permission of the Court for going abroad. The condition does not specifically mention that the permission has to be obtained from this Court. In this view of the matter even the trial Court can consider the Applicant's request for travelling abroad. Therefore, following order is passed :

ORDER

- (i) The Applicant is granted liberty to make an application for permission to travel abroad before the trial Court.
- [ii] If such an application is preferred, the trial Court shall dispose of the application expeditiously.
- [iii] Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)