

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**932 CRIMINAL APPLICATION NO.2108 OF 2021
IN APEAL/322/2013**

**DAYARAM WAGHU CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Shailesh S. Chapalgaonkar, Advocate for the
applicant

Mr. S. N. Morampall, APP for the respondent/State

CORAM : N. R. BORKAR, J.

DATE : 26-11-2021

P. C.

. This application is taken out by the
applicant, who is convicted for the offence
punishable under Sections 7 and 13(1)(d) of the
Prevention of corruption Act with following prayers:

A) This criminal application may kindly be allowed.

B) The respondent NO. 3 may kindly be directed to issue
Passport in favour of the applicant within a period of one
month and for that purpose issue necessary order.

c) The applicant may kindly be permitted to travel
abroad Canada country for a period of two months within a

year i.e. start from September, 2021 to September, 2022.

2. The above prayers are made on the basis of following averments.

5. The applicant state that, applicant daughter in law is pregnant so applicant is required to go to Canada to help his son and daughter in law, further more delivery of daughter in law is scheduled in the month of March, 2022, therefore, before at least one month applicant may kindly be permitted to travel Canada, after the next month of delivery of daughter in law applicant will come back in India, therefore applicant is seeking permission of stay in Canada for a period of two months. Applicant having no antecedent or no criminal case is pending except the Criminal Appeal. Therefore, in the interest of justice applicant may kindly be granted permission to travel abroad Canada country for a period of two months. And further applicant seeking direction against respondent No.3 may kindly be directed to issue Passport in favour of applicant. The applicant is retired government servant and if he succeed in appeal then he will become liable for pensionery benefits, hence there is no question of applicant will abscond.

3. The learned counsel for the applicant in support of prayers made has relied upon the judgment of the Hon'ble Supreme Court in the case of Vangala Kasturi Rangacharyulu Vs Central Bureau of Investigation in Criminal Appeal No. 1342 of 2017 decided on 27-09-2021 and the judgment of this court in the case of Deepak Dwarkasingh Chhabria Vs Union of India and another reported in 1997 (Supplementary) Bombay CR 728.

4. The tone and tenor of the application and averments made therein is as if there is nobody else either in the family of the applicant or in the family of his daughter-in-law, on maternal side to go to the Canada and take care of her.

5. The learned APP has today tendered a report of police Inspector, Mulund Police Station. The said report is taken on record and marked "X" for identification. The report reveals that there are following members in the family of the applicant and his daughter-in-law on maternal side.

(i) wife of the applicant.

(4)

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(ii) son of the applicant.

(iii) parents of his daughter-in-law.

It is not the case of the applicant that above members in his family or the members in the family of his daughter-in-law on maternal side can not go to Canada or due to health issue they cannot take care of her. The applicant who is convicted for the offences punishable under the provisions of Prevention of Corruption Act cannot be permitted to travel abroad, on the ground mentioned in the application especially when there are other members in the family of the applicant and members in the family of his daughter-in-law. Application is rejected.

[N. R. BORKAR, J.]

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