

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

CRIMINAL WRIT PETITION NO. 578 OF 2021

Rajesh Mansukhlal Parekh

...Petitioner

Versus

The State of Maharashtra

...Respondent

.....

Mr. Mehul Shah i/b Mr. Abhishek Nikharge, Advocate for the Applicant.

Mrs. M. R. Tidke, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 3rd MARCH, 2021.

PC :

. This is an application for modification of Order dated 8th January 2021 passed by learned Special Sessions Judge (NIA), City Civil and Sessions Court, Greater Bombay in Misc. Application No.358 of 2020.

2. The applicant had preferred an application seeking permission to travel abroad. The applicant was permitted to travel abroad for a period of 90 days. The applicant is however, aggrieved by the condition Nos.3, 4, 5 and 7 reflected in operative part of order dated 8th January 2021, which reads as follow :

“3. The applicant is directed to deposit Rs.5,00,000/-

before the Trial Court in which the C.C. No.100/SW/13 is pending.

4. The applicant is directed to provide the detailed programme regarding his travel abroad as well as travel tickets to the Trial Court.

5. The Trial Court is directed to verify the travelling details.

7. After his return from abroad, the applicant shall inform the Trial Court about his return.”

3. Learned Counsel for the applicant submitted that in the present proceedings, summary report has been submitted before the trial Court which is pending for consideration. The applicant was granted permission to travel abroad on several occasions and the conditions imposed while granting such permission were complied and there was no grievance about compliance of conditions. The applicant was directed to deposit the amount of Rs.1 Lakh towards security deposit on three occasions and subsequently, on fourth occasion while he was granted permission to travel abroad, he was directed to deposit Rs.2 Lakhs security deposit. The applicant now contends that while granting permission on 8th January 2021, the applicant has been directed to deposit Rs.5 Lakhs as security deposit.

The amount of Rs.2 Lakh which was deposited by the applicant in compliance with previous order is still lying in the Court. It is further submitted that the applicant is required to travel abroad whenever instructions are received by him and therefore, some time it may be difficult for him to intimate the Court. Hence, the applicant may be permitted to give intimation in respect of condition Nos.4, 5 and 7 to the Investigating Officer.

4. Considering the aforesaid circumstances, the modification as prayed by the applicant can be granted.

5. Hence, the following order.

ORDER

- (i) The Order dated 8th January 2021, stands modified;
- (ii) The applicant is directed to deposit Rs.2 Lakhs before the trial Court for traveling abroad. The amount Rs.2 Lakhs which is already deposited be adjusted in compliance of condition. In compliance with condition Nos.4, 5 and 7, the applicant shall give intimation to the Investigating Officer instead of trial Court.
- (iii) Writ Petition No.578 of 2021, stands disposed of.

6. This order will be digitally signed by the Private

Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)