

HIGH COURT FOR THE STATE OF TELANGANA :: HYDERABAD

MAIN CASE No.CRIMINAL PETITION NO.338 of 2021

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	26.04.2022	<u>KS, J</u> <u>I.A.No. 3 of 2022</u> This application is filed seeking relaxation of condition No.3 imposed vide order dated.17.11.2021 in I.A.No.3 of 2021. On 15.02.2021, while granting bail to the petitioner this court imposed certain conditions which were modified from time to time. As far as condition No.3 is concerned i.e. ‘ <i>the petitioner shall surrender his passport before the concerned Court at the time of execution of bonds and he shall not leave the territory of India without prior permission of the Court. If the petitioner has no passport or he has already submitted the same in any case, he shall file an affidavit to that effect</i>’. The petitioner moved I.A.No.3 of 2021 seeking relaxation of the said condition. This court by order dated.17.11.2021, modified the condition and directed that ‘the court shall return the passport to the petitioner and the	

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		petitioner is permitted to travel abroad only for a period of 17 days i.e. from 11.12.201 to 27.12.2021 and after his return, he shall not travel abroad without permission of the court and the other conditions imposed by this court remain intact. As condition is modified, condition No.2 that the petitioner shall attend on third Friday of every month was also relaxed for that period. Now, the petitioner came up with this application seeking relaxation of condition Nos.2 and 3 stating that the petitioner is actively involved in Kothari Export business which is a family business and he has to travel Dubai for a period of twenty days i.e. from 28.4.2022 to 17.5.2022. It is stated that his father and brother have established a business in the name and style of 'Kothari Trading' which engaged in groundnut farming initially. Subsequently, in 2018 a supplementary partnership deed was executed on 01.10.2018 where Mr.Darshan Shailesh Kumar Kothari and Mr.Shailesh Kanaiyalal Kothari were referred to as working partners. Now as the petitioner is in the process of expanding the family business, he has to travel Dubai for a period of twenty days i.e. from 28.4.2022 to 17.05.2022.	

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		Learned Counsel appearing for the respondent – Enforcement Directorate Sri B.Narsimha Sharma, submits that with regard to the crime proceeds, overseas enquiry is going on and if the petitioner is permitted to leave the country, there is every likelihood that he may hamper the investigation process and influence the witnesses, as such, he strenuously opposed this petition. The court by order datd.17.11.2021 has already permitted the petitioner to travel abroad for a period of two weeks and the petitioner went to Italy. Nothing has been placed on record by the Enforcement Directorate to show that the petitioner has hampered the investigation or influenced the witnesses. Now, from the material placed before this court, it appears that the petitioner's travel for the business purpose is required. Further the petitioner has already furnished the details like place of stay, air ticket, etc. Hence, this court deems it fit to appropriate to permit the petitioner to travel to Dubai from 28.04.2022 to 17.05.2022.	

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		Condition No.3 is therefore, modified as below: “The Court shall return the passport to the petitioner and the petitioner is permitted to travel Dubai only for a period of twenty days i.e. from 28.04.2022 to 17.05.2022 and after his return, he shall not travel abroad without permission of the Court and the other conditions imposed by this Court intact. Further the petitioner shall not influence the witnesses and interfere with the investigation process. The application is ordered accordingly. _____ KS, J trr cc today	