

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 CRIMINAL APPLICATION NO.1576 OF 2022
IN APPLN/136/2002

VASANT BHASKARRAO BINDOO @ V. B. BINDOO
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr Rahul Temak h/f Mr Pradip R. Patil
APP for Respondent/State : Mr S.P. Deshmukh

CORAM : SHRIKANT D. KULKARNI , J.

DATE : 25th JULY, 2022

PER COURT :

1. The applicant/original accused No. 4 in Regular Criminal Case No. 1552/2001 pending on the file of 12th Judicial Magistrate First Class, Aurangabad is seeking permission to go abroad.
2. Heard Mr Rahul Temak holding for Mr P.R. Patil, learned counsel for the applicant, Mr P.P.Dawalkar, learned counsel, appearing for respondent No. 2. Respondent No.1/State is a formal party represented by Mr S.P. Deshmukh, learned APP for the State.
3. The learned counsel for the applicant seeks leave to place on record copy of the order passed by the Apex Court in Special Leave to Appeal (C) No (s). 28909/2017 dated 20th February, 2020. The learned counsel for the applicant submits that SLP was withdrawn in view of amicable settlement between the parties. However, there is no such amicable settlement/draft before this Court, but the fact remains that SLP has been withdrawn by the present applicant.

4. The copy of order in SLP is taken on record and marked as 'X' for identification.

5. The learned counsel for the applicant invited my attention to the earlier order passed by this Court dated 06.06.2019 in Criminal Application No. 1416/2019. On going through the same, it is revealed that the applicant was permitted to go abroad subject to condition that he shall deposit Rs.1,00,000/- with this Court. It is submitted by the learned counsel for the applicant that applicant has deposited Rs.1,00,000/- with this Court and complied with that condition. He submitted that due to Covid-19 pandemic, the applicant could not go abroad and now, he is seeking permission to go abroad.

6. Mr P.P. Dawalkar, learned counsel for respondent No.2/Central Excise/Customs Department, Aurangabad opposed to allow this application. However, I do not find any force in the objection raised by the learned counsel for respondent No. 2. The present applicant was a Branch Manager working in India Containers Limited. It is a case of evasion of excise duty.

7. Having considered the facts of the case and looking to the role of this applicant and in view of earlier order passed by this Court, thereby allowing him to go abroad, I do not see any extraordinary circumstances to refuse the prayer.

ORDER

- (i) The application is hereby allowed in terms of prayer clause (A) and (B).
- (ii) The application is accordingly disposed of.

[**SHRIKANT D. KULKARNI, J.**]

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