

Jose

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO.38 OF 2022
IN
CRIMINAL WRIT PETITION NO.75 OF 2022

SUNIL KUMAR

... Applicant

Versus

OFFICER IN CHARGE,
POLICE INSPECTOR, ECONOMIC
OFFENCES CELL AND 2 ORS.

... Respondents

Mr. Ashwin D. Bhobe, Advocate *for the Applicant.*

Mr. Pravin Faldessai, Additional Public Prosecutor *for the Respondent-State.*

**CORAM: M.S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATED: 20th September, 2022

P.C.:

1. Heard Mr. Bhobe for the Applicant and Mr. Faldessai, learned Additional Public Prosecutor, for the State.
2. This is an application seeking modification of certain conditions imposed by us in our order dated 07.09.2020. In effect, the Applicant wants the return of his original passport and leave to travel to the U.K. for the period between 20.10.2022 and 20.11.2022 mainly for medical reasons.

3. The Applicant has furnished the details of the ailments with which he is afflicted and the necessity of obtaining treatment in the U.K. Mr. Bhobe points out that the Applicant is also required to be in the U.K. to renew his residence status.

4. Mr. Bhobe, on instructions from the Applicant, states that before the Applicant leaves for the U.K., if permitted, the Applicant will deposit an amount of ₹50,00,000/- in this Court as a security for his return. Moreover, the Applicant will also file the necessary undertaking before this Court about his return on or before 20.11.2022.

5. Mr. Faldessai points out that the immediate presence of the Applicant is not necessary during the period between 20.10.2022 and 20.11.2022. He, however, submits that stringent conditions must be imposed on the Applicant to ensure his return. He submits that in addition, the Applicant must be required to furnish his address, contact details, itinerary and even copies of his return flight tickets.

6. We have considered the Applicant's request and we are inclined to grant the same subject, no doubt, to the conditions offered by the Applicant and also those proposed by Mr. Faldessai.

7. Accordingly, we dispose of this application by making the following order.

- I. The investigating officer will return the Applicant's original passport after retaining a copy, subject to the conditions that follow:-

- (a) The Applicant must deposit in this Court an amount of ₹50,00,000/- as a security for his return latest by 20.11.2022;
- (b) If the Applicant returns by 20.11.2022, then, the Applicant will have the liberty to withdraw this amount. However, if the Applicant fails to return, then, the Applicant agrees that this amount shall stand forfeited to the State, without the necessity of any further orders or contest;
- (c) The Applicant shall furnish an undertaking to this Court about returning to India latest by 20.11.2022;
- (d) The Applicant shall furnish to the investigating officer his address in the U.K., contact details including his cellphone number, email, etc.;
- (e) The Applicant shall also furnish to the investigating officer copies of the itinerary including the return flight tickets.

II. Until and unless conditions (a) to (e) above are complied with, the investigating officer shall not hand over the original passport to the Applicant.

8. This application is disposed of in the above terms.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.