

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 115 OF 2022

Bikramjit Singh Joginder Singh	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Subhash Jha a/w Mr. Rajesh Patil a/w Mr. Alka Pandey i/by
Law Global, Advocate for the Applicant/Appellant.

Mr. Arfan Sait, APP for the Respondent – State.

Mr. Annasaheb Gadekar (PSI) and Mr. Amit Vasave (P.N.),
Property Cell, DCB, CID, Present.

CORAM : PRAKASH D. NAIK, J.
DATE : 14th FEBRUARY, 2022.

PER COURT:

1. The applicant is seeking permission to travel to Indiana South Bend, USA during the period from 22nd February, 2022 to 22nd May, 2022.

2. The applicant was directed to be released on bail by this Court vide order dated 9th October, 2017 in connection with Crime No.17 of 2017 registered for offence punishable under Sections 370(5), 465, 467, 468, 471, 419, 420, 17, 120-B of Indian Penal Code (for short "IPC") and Section 12(1)(2) of the Passport Act. One of the condition imposed while granting bail is that the applicant shall report concerned Police Station and he should continue to keep his passport with the Investigating Officer and the applicant

should not go to any foreign country during the pendency of trial.

3. Charge-sheet has been filed against the applicant and the proceedings are pending before the Sessions Court, Mumbai.

4. The applicant had preferred an application seeking permission to travel abroad which has been rejected by order dated 10th January, 2022.

5. Learned counsel for the applicant submitted that the applicant is required to visit USA for attending ceremony of his grandchild. The details are provided in Para – 3 (vi) of the application. It is further submitted that previously application seeking permission to travel abroad were allowed by the Sessions Court by order dated 15th November, 2019 and 11th September, 2020. The applicant had complied conditions and after travelling abroad had returned to India. In support of his submissions he relied upon the decision of the apex Court in the case of Parvez Noordin Lokhandwalla V/s State of Maharashtra and Anr. (2020) 10 SCC 77. The facts of the said matter indicate that the permission for travel abroad was rejected by the High Court. The Apex Court granted the permission to the petitioner therein for visiting

USA for a period of 8 weeks. The Apex Court had observed that the question is whether he is likely to flee from justice if permitted to travel to USA.

6. Learned APP submitted that the applicant is prosecuted for offence under Section 370(5) and other provisions of the Penal Code. The details about his travel to place where he would reside are not provided. The sessions Court has taken into consideration the seriousness of offence. The decision relied upon by the learned counsel for the applicant can be distinguished on the ground that the Apex Court had considered the urgency for grant of such permission.

7. It is pertinent to note that on completing investigation, charge-sheet has been filed against the applicant. The proceedings are pending before the Sessions Court. Similar applications were allowed by the Sessions Court vide orders dated 15th November, 2019 and 11th September, 2020. The applicant was directed to travel to USA from 20th November, 2019 to 15th December, 2019 and from 16th September, 2020 to 15th November, 2020. The passport is in custody of the Investigating Officer. There is no debate that the applicant had complied the conditions and there is no

breach of previous orders granting permissions to him.

8. In the light of the aforesaid factual aspects, this application can be allowed.

9. Hence, I pass the following order:

ORDER

- i. Criminal Application No.115 of 2022 is allowed;
- ii. The applicant is permitted to travel to Indiana South Bend, USA between the period from 22nd February, 2022 to 22nd May, 2022.
- iii. The passport of the applicant be handed over to the applicant by the Investigating Officer immediately.
- iv. The applicant shall provide the details about his travel, contact number, place where he would reside in USA to the Investigating Officer.
- v. On his returned to India, the applicant shall report the said fact to the Investigating Officer within one week and re-deposit the passport with the Investigating Officer.
- vi. Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)