

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1409 OF 2022
IN
CRIMINAL APPEAL NO.127 OF 2020

Virendra Laxmidas Thakkar	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Rahul Arote, Advocate for applicant.
Mr.S.V.Gavand, APP, for State.
J.A. Bhosale, PSI, Thane Nagar Police Station, Thane City, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 4th May 2022

PC :

1. The applicant has preferred this application seeking permission to travel to United States of America from 30th July 2022 to 31st August 2022.
2. The applicant is convicted for offence under Section 420 r/w Section 34 of Indian Penal Code and under Section 3 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act and sentenced to suffer imprisonment for 5 years and pay fine of Rs.1,00,000/-.
3. The judgment of conviction has been challenged before this Court by preferring Criminal Appeal No.127 of 2020. The appeal has been admitted by this Court and the sentence of imprisonment has been suspended vide order dated 17th March 2020. While suspending the sentence this Court has directed that applicant-

appellant shall not leave jurisdiction of Trial Court without seeking prior permission of said Court. The applicant was also directed to deposit his passport, if any, with registry of this Court. Pursuant to the said order the passport had been deposited in this Court.

4. Since visa had expired, the applicant had preferred application before this Court for renewal of visa. Vide order dated 23rd November 2021, which was corrected vide speaking to minutes order dated 27th November 2021, it was directed that passport be handed over to applicant for renewal of visa with further direction to redeposit the same in Court. The passport was handed over to applicant.

5. According to applicant, pursuant to the aforesaid orders, the applicant had applied for renewal of visa before passport authority. However, he was informed that renewal of visa can be granted subject to permission of the concerned Court for travelling abroad. The applicant has prayed that he may be permitted to travel USA from 30th July 2022 to 31st August 2022. Reasons are stated in paragraph 5 of the application.

6. Learned advocate for applicant submitted that during pendency of trial the applicant was permitted to travel to USA on 3 to 4 occasions and orders granting such permission are annexed to this application. During pendency of this appeal this Court by order dated 24th October 2016 permitted applicant to travel to USA on certain conditions from 7th November 2016 to 30th November 2016. The applicant had complied the conditions and travelled abroad. After returning to India he had redeposited the passport in this

Court. For the purpose of renewal of visa the passport has already been handed over to the applicant and it is in his custody. In paragraph 5 of this application it has been stated that son of the applicant is settled in USA and residing at 1808, Stroup Street, Apex North Carolina 27502, USA and his contact number is +1 347-990-6757. His daughter-in-law has delivered son on 4th November 2020. The applicant intends to travel to USA to see his son and grandson along with his wife, since it is not possible for his son to travel to India with his family. It is stated that USA visa has already expired and he needs to renew it before he travel to USA.

7. While granting permission to travel abroad by this Court vide order dated 24th October 2016, the applicant was directed to deposit original title deeds concerning the two properties mentioned in the undertaking filed before this Court.

8. Learned advocate for applicant submit that the undertaking was given in respect to two properties. The property viz Flat bearing No.G-1, Building No.2, Shubharambh Co-op. Hsg.Society, Thane (W) has been sold after complying the condition in previous order. However, the applicant would give undertaking in respect of Flat No.B-1802, Evergreen, Rodas Enclave, Hiranandani Estate, Off.Ghodbundar Road, Thane (W). The said flat is in joint name of applicant, his wife, son and daughter Krupa Thakkar. The applicant would deposit original title deeds of said property along with valuation report.

9. Learned APP submitted that the applicant be directed to file undertaking of applicant, his wife, son and daughter with similar undertaking stipulated in previous undertaking dated 17th October

2016. Learned advocate for applicant submitted that his son is abroad. The applicant and his wife would file such undertaking that the applicant, his wife, son and daughter are owners of aforesaid premises and they undertake to deposit original title deeds of property in registry of Court as security to travel abroad. The applicant in his undertaking would also include the undertaking of his son and daughter. In the undertaking it would be mentioned that there are no encumbrances on the above property.

10. In view of the factual matrix, permission which is sought in this application can be granted.

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) The applicant is permitted to travel to United States of America between the period 30th July 2022 and 31st August 2022;
- (iii) The applicant shall furnish itinerary of the places where he will be residing and the telephone numbers where he can be contacted during the said period. Such itinerary be submitted within one week from today;
- (iv) The aforesaid details be provided to the Trial Court as well as to the Investigating Officer of concerned Police Station within one week;
- (v) The applicant shall deposit original title deeds concerning the property mentioned above in this Court within one week;
- (vi) The applicant and his wife shall file undertaking referred to in this order within one week from today;
- (vii) Aforesaid original title deeds be returned to the applicant on his return to India;

(viii) After the applicant returns to India, the passport be redeposited in this Court within one week from the date of his arrival.

(PRAKASH D. NAIK, J.)

MST