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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2225 OF 2022
IN
CRIMINAL WRIT PETITION NO. 127 OF 2021

1. Chintan Arvind Shah
 2. Vinit Arvind Shah
- ...Applicants

Versus

1. The State of Maharashtra
Through Sr. Inspector of Police
Economic Offences Wing, Thane
 2. Rajni Ganesh Bhise
 3. The General Manager,
HDFC Bank, Worli, Mumbai
 4. HDFC Bank,
Jamnagar Branch, Gujarat
 5. The Manager
HDFC Bank, Usmanpura,
Ahmedabad
- ...Respondents

Mr.Satish Maneshinde, Senior Advocate and Adv.Anandani
Fernandes i/b. Mr.Hemant P. Ingle for the Applicants.

Mrs.G.P. Mulekar, APP for the Respondent -State.

Mr.Vivek Patil i/b. Vivek Patil & Associates for Respondent Nos. 3
to 5.

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.**

DATE : 14th JULY 2022

P.C. :

1. At the outset, learned Counsel for the applicants seeks leave to amend the prayer clause. Leave granted. Amendment to be carried out forthwith.
2. Heard the learned Counsel for the parties.
3. By this application, the applicants seek permission to travel overseas from 25th July, 2022 to 17th September, 2022.
4. It appears that the applicants have been arraigned as accused in connection with the C.R.No. 220 of 2018 registered with the Kalyan Police Station, (subsequently transferred to the Economic Offences Wing), for the alleged offences punishable under Sections 406, 420 read with 34 of the Indian Penal Code; Section 3 of the Maharashtra Ownership of Flats (Regulation of the Promotion, Construction, Sale, Management and Transfer) Act, 1963; and

Sections 13 (1) read with 3 of the Maharashtra Protection of Interest of Depositors Act.

5. It is not in dispute that the applicants have been protected by this Court in the anticipatory bail application filed by them. It appears that the applicants have also filed a writ petition wherein a direction was given to the respondent No.1-State not to file chargesheet as against the applicants. It appears that the Look Out Notice (LOC) was issued as against the applicants at the instance of the respondent No.1- State of Maharashtra. According to the learned Senior Counsel for the applicants, the applicants were not aware of the said Look Out Notice, until the applicants were stopped at immigration in October, 2020, when they were on their way to Dubai. According to the learned Senior Counsel, the applicants have travelled earlier to several countries. Pursuant to the order dated 13th June, 2022 passed by this Court in the aforesaid petition, the passport of petitioner No.1 has been returned to him.

6. In paragraph 9 of the application, the applicants have given the details and the purpose of travelling during the period from 25th July, 2022, which is as under :

15th August -18th August 2022, Aruba

18th -21st August 2022, Panama

21st -27th August 2022, Cuba

7. Learned Counsel for the respondent Nos.3 to 5 submits that he has no objection if the application is allowed, since the properties of the applicants have been attached.

8. Learned Senior Counsel for the applicants submits that the applicants are ready to file an affidavit-cum-undertaking in this Court giving therein, details of the itinerary alongwith contact numbers where the applicants would be residing from 25th July, 2022 to 17th September, 2022.

9. Considering the aforesaid, the application is allowed on the following terms and conditions :

ORDER

- i) The applicants are permitted to travel overseas from 25th July, 2022 to 17th September, 2022;
- ii) The applicants, before their departure, to file an affidavit cum undertaking with the Registrar (Judicial – I), Appellate Side of this Court, giving full itinerary of their overseas travel with all details including the addresses where they would be staying, as well as their contact numbers on which they can be contacted, during the said period. A copy of the said affidavit cum undertaking shall also be furnished to the respondent No.1- EOW before the applicants' departure, by email/fax;
- iii) The applicants shall in the affidavit cum undertaking undertake not to apply for extension of this order until they return to this Country; and that they will return to India, on or before 17th / 18th September, 2022;
- iv) The Immigration Authorities on all points of departure, will permit the applicants to pass through immigration and to

board their flight or flights, irrespective of whether the immigration system has been updated and whether the respondent No.1 has informed the Immigration Authorities or not;

- v) The operation of the LOC issued against the applicants, is stayed during the said period i.e. between 25th July, 2022 to 17th / 18th September, 2022;
- vi) The Respondent No.1 – EOW to forthwith communicate this order to the immigration authorities and in any event within 48 hours of this order being uploaded.
- vii) The application is disposed of on the aforesaid terms.
- viii) All concerned to act on the authenticated copy of this order.

(V. G. BISHT, J.)

(REVATI MOHITE DERE, J.)