

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2376 OF 2022
IN
CRIMINAL APPEAL NO.127 OF 2020**

Virendra Laxmidas Thakkar Applicant

versus

State of Maharashtra Respondent

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- Mr. Rahul Arote, Advocate for Applicant.
- Mr. Yogesh Y. Dabke, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 15th SEPTEMBER, 2022**

P.C. :

1. The Applicant has prayed for permission to travel to Germany from 21/10/22 to 15/11/2022.

2. The Applicant was convicted by the Additional Sessions and Special Judge (MPID Act), Thane, vide his Judgment and Order dated 24/01/2020 for commission of offence u/s 420 r/w 34 of the Indian Penal Code and u/s 3 of the Maharashtra Protection of Interest of Depositors Act and he was sentenced to

suffer rigorous imprisonment of five year and to pay a fine of Rs.1,00,000/- and in default of payment to suffer simple imprisonment for three months.

3. The Applicant along with others preferred Criminal Appeal No.127 of 2020 against that Judgment and Order. The said Appeal is admitted and is pending for final disposal. In the meantime, the Applicant had preferred Interim Application No.1409 of 2022 in Criminal Appeal No.127 of 2020 seeking permission to travel to United States of America between 30/07/2022 and 31/08/2022. That application was allowed by this Court (Coram : Prakash D. Naik, J.) vide order dated 04/05/2022 on certain conditions. The major condition was to deposit the original title deeds concerning his property with this Court.

4. The Applicant complied with the undertaking, but he got appointment for his Visa renewal for travelling to USA only for 24/04/2022. Therefore he could not avail of the permission

granted vide order dated 04/05/2022 passed in Interim Application No.1409 of 2022.

5. Learned counsel for the Applicant submitted that because of his service he needs to travel to Germany. He has complied with the undertaking mentioned in the condition of the order dated 04/05/2022. He was granted permission to travel abroad during pendency of the trial and he has not misused that liberty. The Applicant is working in VAMSI Labs Ltd. and in connection with his job he is required to travel to Germany for attending CPhI exhibition and business meeting from 21/10/2022 to 15/11/2022.
6. Learned APP did not oppose this application in view of the previous orders passed in his favour during trial and after Appeal was admitted.
7. I had called for the report from the registry regarding deposition of the title deeds. The report reproduced in the ordersheet mentions that the advocate for the Applicant has

filed undertaking of the Applicant and his wife dated 05/05/2022 along with the original title deed of the flat bearing No.B-1802, Evergreen, Rodas Enclave, Hiranandani Estate, Off Ghodbundar Road, Thane (W), Maharashtra - 400 607. That deed is kept in a sealed envelope in Nazir custody on 13/05/2022. The Applicant has shown his bonafide and has furnished sufficient security. This Court, in the past, has granted him permission to travel to USA. But because of late appointment for his Visa renewal he could not avail of that permission.

8. Considering this background, the Applicant can be permitted to travel to Germany from 21/10/2022 to 15/11/2022 on similar conditions which were imposed in Interim Application No.1409 of 2022.

9. Hence, the following order :

ORDER

- (i) This Interim Application is allowed.
- (ii) The Applicant is permitted to travel to Germany from 21/10/2022 to 15/11/2022.
- (iii) The Applicant shall furnish itinerary of the places where he would be residing and the telephone numbers where he can be contacted during this period. Such itinerary should be submitted within two weeks from today.
- (iv) These details be provided to the trial Court as well as to the Investigating Officer within two weeks.
- (v) On his return he shall deposit the passport in this Court within one week from the date of his return.
- (vi) The application is disposed of.

(SARANG V. KOTWAL, J.)