

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

**INTERIM APPLICATION NO. 2945 OF 2022
IN
CRIMINAL APPEAL NO. 1376 OF 2012**

Mr. Rajeev Kumar S/o. N. K. Prasad ..Applicant.
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Rajeev Kumar, Applicant-in-person.
Smt. M. R. Tidke, APP for State/Respondent No.1.
Ms. Ameeta Kuttikrishnan for Respondent No.2/C.B.I.

CORAM : SARANG V. KOTWAL, J.
DATE : 20th SEPTEMBER 2022

PC :

1. This is an application for permission to travel abroad. The applicant wants to travel to France and Italy between 20/10/2022 to 08/11/2022.
2. This application is opposed by the Respondent No.2 by filing a reply. That reply is taken on record.
3. It is mentioned in the application and it is submitted by Shri. Rajeev Kumar who is appearing as party in person that the applicant wishes to travel to France, Italy and other Schengen

Countries. The prime objective is to run and to take part in Marathon in Nice (France) and Arona (Italy) and visit the nearby countries. The Applicant had participated in the past in Tata Mumbai Marathon 2019. The Nice Marathon (France) is to take place on 30/10/2022 and Arona Marathon (Italy) is to take place on 06/11/2022. The Applicant has stated that, he will travel from Mumbai on 20/10/2022 and will return to Mumbai on 08/11/2022. He relied on two previous orders passed by different benches of this Court. The first such order is dated 08/05/2015 passed by this Court (Coram: Abhay M. Thipsay, J.) in Criminal Application No.617 of 2015 in Criminal Appeal No.1376 of 2012. Vide that order the applicant was permitted to travel to Singapore and Thiland between 27/05/2015 to 05/06/2015.

4. The next such order is dated 05/08/2019 passed in Criminal Application No.1156 of 2019 in Criminal Appeal No.1376 of 2012. On that occasion, the applicant was permitted to travel to Amsterdam on certain conditions.

5. In both these orders it was observed that, in the past

even the trial Court pending trial had allowed the applicant to travel abroad and the applicant had not abused that particular liberty granted to him. Considering these past orders and past bonafide return of the applicant to India after his visits abroad, even this application can be allowed, though, it is opposed by the Respondent No.2. The trial in question had concluded in the year 2012 and this Appeal is pending since 2012. There are no allegations that, the applicant had misused the liberty of visiting the foreign countries. Considering this the present application is allowed on the similar terms.

6. Hence, the order:

ORDER

1) The Applicant is permitted to travel to Europe between the period 20/10/2022 to 08/11/2022 on the following conditions:

i) The Applicant shall execute a personal bond in the sum of Rs.25,000/- as and by way of additional security.

ii) The Applicant shall give at least 48 hours previous notice, in writing, to the Investigating Officer regarding his travel details such as flight number, ticket number, Visa particulars etc.

iii) The Applicant shall also give to the Investigating Officer, in writing, his address/addresses and contact telephone numbers where he would be available for communication.

iv) The Applicant shall return to India on or before 08/11/2022 and report this fact to the Investigating Officer.

2) The Application is allowed in the aforesaid terms.

(SARANG V. KOTWAL, J.)