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

**INTERIM APPLICATION NO. 4004 OF 2022
IN
CRIMINAL WRIT PETITION NO. 1075 OF 2022**

Abdul Hameed

.. Applicant

Vs.

1. Central Bureau of Investigation

2. Bank of Baroda, Bhadra, Ahmedabad
Through its Assistant General Manager

3. The State of Maharashtra

.. Respondents

.....

Mr. Shantanu R. Phanse for the applicant

Mr. Hiten S. Venegaovkar for the respondent no.1 – CBI

Ms. Akanksha Hambir i/b Ms. Rathina Maravaraman for the
respondent no.2

.....

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : 13th DECEMBER, 2022.

P.C.

1. At the outset, learned Counsel for the applicant seeks leave to
amend the prayer clause. Leave granted. Amendment to be carried
out forthwith.

2. Heard learned Counsel for the parties.
3. By this Interim Application, the applicant seeks the following reliefs :-

“(a) Stay the effect and operation of the Look out circular No.1/SICI(ACK)/LOC/2021-8920 (Revised) dated 17.06.2022 issued against the present applicant from 17.12.2022 to 15.01.2023.

(b) Allow the present applicant to travel to Dubai and Madinah in accordance with the travel itinerary (Exh.C) annexed to this Application.”

4. Learned Counsel for the applicant submits that the applicant has been granted pre-arrest bail by the learned Special Judge, CBI, CBI Special Court, City Civil & Sessions Court, Gr. Bombay vide order dated 8th December, 2022, on certain terms and conditions. He submits that one of the conditions is that the applicant shall not leave India without the permission of the Court, apart from other conditions. He further submits that the applicant is desirous of travelling from Bengaluru to Dubai on 17.12.2022, Dubai to Madinah on 27.12.2022, Madinah to Dubai on 07.01.2023 and from Dubai to Bengaluru on 15.01.2023.

5. Learned Counsel for the applicant has filed an additional affidavit of the applicant, giving details of the travel / itinerary i.e. the date of travel, addresses of the places where the applicant intends to reside and the contact details. Tickets of the travel have also been annexed to the said additional affidavit alongwith the photocopy copy of the hotel bookings.

6. Learned Counsel for the respondent no.1 has tendered an affidavit-in-reply of the said respondent. The same is taken on record.

7. Perused the papers.

8. The applicant along with other co-accused has been arraigned as an accused in connection with FIR No. RC 0772020E0002 dated 02.12.2020 registered with the Superintendent of Police (I), BSFB, CBI, Mumbai for the alleged offences punishable under Sections 120-B r/w Section 420 of the Indian Penal Code and Section 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act. The applicant alongwith others is stated to be one of the Directors of M/s. Technovaa Plastic Industries Pvt. Ltd. (hereinafter referred to as

“TPIPL”). On a complaint dated 02.12.2020 of the Assistant General Manager, Bank of Baroda, Bhadra Branch, Ahmedabad, the aforesaid complaint was registered for inducing the Bank of Baroda to sanction and disburse term loan of Rs.85.62 crores and working capital of Rs.28 crores. It is alleged that the said TPIPL alongwith the Promoters, Directors and unknown entities, in pursuance of the criminal conspiracy and with dishonest intention caused wrongful loss to Bank of Baroda and wrongful gain to themselves. Although the crime was registered on 02.12.2020 the incident pertains to the period from 2012 to 2018. The learned Special Judge whilst granting pre-arrest bail to the applicant has in paragraph 14 observed that there is no likelihood of the applicant absconding from justice. Certain other terms and conditions were also imposed whilst allowing the application. In particular, in clause 7, it is stated that the applicant shall not leave India without the permission of the Court.

9. In ordinary course, we would have refrained from entertaining the aforesaid application and instead relegated the applicant to the trial Court, however, having regard to the dates on which the

applicant proposes to leave, we have taken up the aforesaid interim application for hearing.

10. The applicant has set out the entire itinerary of his travel from 17.12.2022 to 15.01.2023 in his additional affidavit. It appears that the applicant is only travelling to Madinah via Dubai from Bengaluru and back again via the same route. In the additional affidavit filed by the applicant, the details of the proposed stay, telephone numbers and tickets evidencing travel are stated / annexed. We are informed that the applicant has properties in Bengaluru and that his family members also reside in Bengaluru and that the applicant would be travelling alone, to the places, set out aforesaid.

11. Accordingly, we allow the application and permit the applicant to travel from Bengaluru to Madinah via Dubai and back again, on the following terms and conditions :-

ORDER

- (i) The applicant – Abdul Hameed is permitted to travel from Bengaluru to Madinah via Dubai from 17.12.2022 to 15.01.2023;

(ii) The applicant, before his departure, to file an affidavit-cum-undertaking with the Prothonotary & Senior Master of this Court, setting out the full itinerary of his travel with all details etc. The applicant need not remain present personally while filing such affidavit-cum-undertaking before the Prothonotary & Senior Master. A copy of the said affidavit-cum-undertaking shall also be furnished to the Investigating Officer of the respondent no.1 – CBI. The entire exercise to be done before the applicant's departure;

(iii) The applicant shall undertake not to apply for renewal or extension of this order until he returns to this Country; and that he will return to India, on or before 15.01.2023;

(iv) The applicant to also state in his affidavit cum undertaking that he will not travel to any other country except the Country mentioned hereinabove i.e. Madinha via Dubai;

(v) The copy of the said affidavit-cum-undertaking shall also be furnished to the respondent no.2 – Bank of Baroda before the applicant's departure;

(vi) The Immigration Authorities on all points of departure, will permit the applicant to pass through immigration and to board his flight / flights, irrespective of whether the immigration system has been updated and whether the respondent no.1 – CBI has informed the Immigration

Authorities or not;

(vii) In the meantime, the operation of the LOC issued against the applicant, is stayed during the said period i.e. between 17.12.2022 to 15.01.2023.

(viii) The respondent no.1-CBI to communicate this order to the Immigration Authorities at the earliest and in any event within 24 hours of this order being uploaded.

(ix) We make it clear, that if the applicant intends to leave in future, after his return, the applicant to file an application before the learned Special Judge and seek appropriate orders from the said Court.

12. The Application is allowed in the aforesaid terms.

13. All concerned to act on the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]