

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4612 OF 2022**

Ramesh Himatlal Shah

.....Petitioner

Vs.

Union Of India & Ors.

.....Respondents

Mr. Prathamesh Kamat a/w Mr. T.N. Tripathi and Ms. Kalyani Wagle i/by T.N.Tripathi & Co. for the Petitioner.

Mr. S.K. Halwasia, a/w Adv. M.M. Nasiri a/w Mayank Joshi for the Respondent Nos.1 and 2.

Mr. Ajay Patil APP, for the Respondent No.3-State.

Mr. Munish Garg, Sr. Asstt. Director (Investigation), Serious Fraud Investigation Office, present.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 16th DECEMBER, 2022.

P.C.:-

By the present Petition, the Petitioner has requested to this Court to permit him to travel abroad i.e. Moscow via Dubai from 17th December, 2022 to 30th December, 2022 for business purpose. The Petitioner has also given detailed itinerary in paragraph No.6 of the Petition.

2) Heard Mr. Kamat, learned counsel for the Petitioner, Mr. Halwasia, learned counsel for Respondent Nos.1 and 2 and Mr. Patil, learned APP for the Respondent No.3. Perused record.

3) Record indicates that, by an Order dated 11th April, 2022, the

Petitioner was permitted to travel to United States of America for a stipulated period for the medical treatment of his wife. That, the Petitioner returned to India within stipulated period and there is no report of breach of any of the conditions imposed upon him.

4) Mr. Halwasia, learned counsel for the Respondent Nos. 1 and 2 fairly submitted that, as the Petitioner had returned to India within stipulated period, on an earlier occasion, there is no flight risk of him.

5) In view of above, we are inclined to accept the request of the Petitioner and permit him to travel to Moscow via Dubai from 17th December, 2022 to 30th December, 2022 on the following conditions-

- a) Petitioner to share his travel details along with address/es at Moscow and contact numbers of the Petitioner to the learned APP for the Respondent No.3-State and learned counsel appearing for Respondent No.1 and 2.
- b) Petitioner on his return to India i.e. Mumbai on 30th December, 2022 as per his travel schedule, shall report to Mr. Munish Garg, Sr. Assistant Director (Investigation), Serious Fraud Investigation Office, Ministry of Corporate Affairs, Government of India, having Regional Office at 6th Floor, Fountain Telecom Building-I, New Central Telegram Office, Fort,

Mumbai-400 001 on 3rd January, 2023 and to maintain an attendance certificate duly countersigned by the said Officer Mr. Munish Garg. The Petitioner also to place on record a copy of this attendance letter in this Court within a period of one week from 3rd January, 2023.

- 6) Petition is allowed in the aforesaid terms.
- 7) The present Order is passed in open Court. Mr. Halwasia, learned counsel for the Respondent Nos.1 and 2 submitted that, representative of Respondent No.2-Mr. Munish Garg, Senior Assistant Director (Investigation), Serious Fraud Investigation Office, is present in the Court.

In view thereof, Respondent No.2 is directed to communicate the present Order to the Immigration Department, Government of India, forthwith.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR
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by SANJIV
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