

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

**INTERIM APPLICATION NO. 521 OF 2023
IN
CRIMINAL APPEAL NO. 127 OF 2020**

Virendra Laxmidas Thakkar ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Rahul Arote for Applicant.
Smt. M. R. Tidke, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 22 FEBRUARY 2023**

PC :

1. This is an application made by the applicant for directions to the Registry to return the Passport of the applicant for renewal of his VISA and for permission to travel to United States of America between 15/05/2023 to 15/08/2023.

2. Heard Shri. Rahul Arote, learned counsel for the applicant and Smt. Tidke, learned APP for the State.

3. The applicant was convicted and sentenced by learned Judge (M.P.I.D.), Thane, in Special Case (M.P.I.D.) No.1 of 2004 with Special Case (M.P.I.D.) No.16 of 2005. He was convicted for

commission of offences punishable U/s.420 r/w. 34 of the I.P.C. and U/s.3 of The Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (for short 'M.P.I.D. Act'). He was sentenced to suffer R.I. for five years and to pay a fine of Rs.1 lakhs and in default of payment of fine to suffer S.I. for three months.

4. The applicant along with others had preferred Criminal Appeal No.127 of 2020. That Appeal was admitted. The applicant had preferred Criminal Application No.1 of 2020 in Criminal Appeal No.127 of 2020 for his release on bail. This Court (Coram: Prithviraj K. Chavan, J.) while granting bail imposed conditions that the applicant shall not leave the jurisdiction of learned Additional Sessions Judge, Thane without seeking prior permission of that Court and the applicant shall deposit his passport with the Registry of this Court. The applicant has stated in his application and it is also submitted by learned counsel for the applicant that, his son is settled in North Carolina, United States of America and his son was blessed with a son on 04/11/2020. The applicant wishes to see his grandson and, therefore, he is planning to travel

to United States of America between 15/05/2023 to 15/08/2023.

5. Learned counsel for the applicant relied on the order passed by this Court (Coram: Prakash D. Naik, J.) on 04/05/2022 in I.A.No.1409 of 2022 in Criminal Appeal No.127 of 2020; whereby the applicant was permitted to travel to United States of America between 30/07/2022 to 31/08/2022. However, learned counsel for the applicant pointed out that, he got an appointment for VISA renewal only on 24/04/2023 and, therefore, he could not avail of the order dated 04/05/2022. He also relied on the order passed by this Court on 15/09/2022; whereby he was permitted to travel to Germany from 21/10/2022 to 15/11/2022. Learned counsel submitted that, he could not travel to Germany for some technical reasons. Learned counsel states that the applicant and his wife have filed undertaking along-with original title deed of the flat 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's custody. Learned APP accepts this position.

6. Learned APP, on instructions, states that the respondents do not have objection for applicant's travel to United States of America. However, the applicant will have to furnish details and itinerary.

7. I have considered these submissions. As mentioned in the order dated 15/09/2022 passed in I.A.No.2376 of 2022, the applicant has deposited his title deeds with the Registry of this Court. In the past, vide order dated 04/05/2022 passed in I.A.No.1409 of 2022, he was permitted to travel to United States of America, but he could not avail of that order because he could not get the appointment for VISA renewal earlier. Considering this background and no objection given by the respondents, the applicant can be permitted to travel to United States of America to see his grandson.

8. Hence, the following order:

O R D E R

- i) The Passport of the applicant lying with the Registry of this Court be returned to the applicant.

- ii) The applicant is permitted to travel to United States of America between 15/05/2023 to 15/08/2023.
- iii) The applicant shall furnish itinerary of the places where he will be residing and the telephone numbers where he can be contacted during the said period.
- iv) Such itinerary be submitted within a period of three weeks from today.
- v) These details be provided to the Trial Court, as well as, to the Investigating Officer.
- vi) After the applicant returns to India, his passport be redeposited with the Registry of this Court within one week from the date of his arrival to India.
- vii) The Application is disposed of.

(SARANG V. KOTWAL, J.)