

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

*INTERIM APPLICATION NO. 424 OF 2023
IN
CRIMINAL WRIT PETITION NO. 2679 OF 2022*

Chintan Arvind Shah ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Hemant P. Ingle for the Applicant

Mr. J. P. Yagnik, A.P.P for the Respondent No.1 -State

None for the Respondent No. 2

*CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
FRIDAY, 3rd FEBRUARY 2023*

P.C.:

1 Heard learned counsel for the parties.

2 By this interim application, the applicant-Chintan Arvind Shah seeks permission to travel to to Brazil and Argentina, during the period from 17.02.2023 to 14.03.2023.

3 This is fifth application preferred by the applicant seeking permission to travel abroad, pending the investigation in C.R. No. 111/2019 initially registered with the Kalyan Police Station and subsequently transferred to EOW, Mumbai.

4 Perused the papers. This Court had permitted the applicant to travel overseas on four earlier occasions, on certain terms and conditions stipulated therein. Learned counsel for the applicant has annexed the said orders at Exhibit-'D' at page 24; Exhibit-'G' at page 34; Exhibit-'H' at page 43 and Exhibit-'I' at page 49 of this application.

5 It appears that the applicant, who is a businessman, is required to travel for business related work overseas from 17.02.2023 to 14.03.2023. The details of the travel to Brazil and Argentina are set out in para 4 of the application.

6 It is not in dispute that the applicant had complied with the terms and conditions stipulated in the earlier orders.

7 Learned A.P.P, on instructions, states that he has no objection, provided conditions similar to the conditions imposed in the earlier orders are imposed.

8 Accordingly, the application is allowed on the following terms and conditions:

ORDER

(i) The applicant–Chintan Arvind Shah is permitted to travel overseas i.e. to Brazil and Argentina from 17.02.2023 to 14.03.2023;

(ii) The applicant, before his departure, to file an affidavit–cum–undertaking with the Registrar (Judicial–I), Appellate Side of this Court, giving full itinerary of his overseas travel with all details including the addresses where he would be staying, as well as the contact numbers on which he can be contacted, during the said period. A copy of the said affidavit–cum–undertaking shall also be furnished to the respondent No.1-Economic Offences Wing before the applicant’s departure, by email/fax;

(iii) The applicant shall in the affidavit-cum-undertaking undertake not to apply for extension of this order until he returns to this Country; and that he will return to India, on or before his date of arrival in India;

(iv) The Immigration Authorities on all points of departure, will permit the applicant to pass through immigration and to board the flight or flights, irrespective of whether the immigration system has been updated and whether the respondent No.1 has informed the Immigration Authorities or not;

(v) The operation of the LOC issued against the applicant, in C.R. No.111/2019, registered initially with the Kalyan Police Station and subsequently transferred to the EOW, Mumbai, is stayed during the said period i.e. between 17.02.2023 and 14.03.2023;

(vi) The Respondent No.1 to forthwith communicate this order to the immigration authorities and in any event within 48 hours of this order being uploaded;

9 The application is disposed of in the aforesaid terms.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.