

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 693 OF 2023****IN****CRIMINAL WRIT PETITION NO. 440 OF 2023**

Ramesh Himatlal Shah

... Applicant/Petitioner

V/s.

Union Of India And Ors.

... Respondents

Mr. Prathamesh Kamat a/w Mr. T. N. Tripathi & Ms. Kalyani Wagle i/b T. N. Tripathi & Co. for Applicant/Petitioner.

Mr. S. K. Halwasia a/w Mr. Pradeep Yadav a/w Adv. M. M. Nasiri for Respondent Nos.1 and 2.

Mrs. S. D. Shinde APP, for Respondent No.3-State.

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

DATE : 21st FEBRUARY, 2023.

PC. :

1. Leave to amend prayer clause. Amendment be carried out forthwith.

2. By the present Application, Applicant is seeking permission to travel abroad i.e. to Moscow *via* Dubai from 25th February, 2023 to 2nd March, 2023 and to New York *via* Istanbul from 12th March, 2023 to 26th March, 2023 for business purpose.

3. Record clearly indicates that, on earlier two occasions i.e. on 11th April, 2022 and 16th December, 2022 the Applicant was permitted to travel abroad by this Court on certain terms and conditions for a stipulated

period. As a matter of fact, Applicant returned to India within the stipulated period and has complied with all the terms and conditions imposed upon him.

4. On 16th December, 2022 learned counsel appearing for Respondent No.2 on instructions had made a statement which is recorded in para No.4 of the said Order that, Applicant/Petitioner on earlier occasion had returned to India within the stipulated period and there is no flight risk of him.

5. In this brief premise, today present Application is vehemently opposed by the learned counsel for Respondent No.2 by relying on a decision in the case of Shikha Kapadia V/s. State of Maharashtra And Ors. in Interim Application No. 3033 of 2022 in Criminal Writ Petition No. 4765 of 2021 dated 16th September, 2022. Learned counsel for Respondent No.2 pointed out his submissions recorded in para No.4 of Order dated 16th September, 2022 that, Applications of present nature should not be permitted to file almost on routine basis. He submitted that, consecutive Applications are being filed by accused persons seeking permission to travel abroad for the reasons stated in the said Applications. It may be noted here that, though the learned counsel appearing herein and who had also appeared in Interim Application No. 3033 of 2022 had made said submissions, the co-ordinate Bench by its Order dated 16th September, 2022 had permitted Applicant therein to travel abroad on certain terms and conditions.

We therefore feel that, opposition to the present Application by learned counsel for Respondent No.2 is a feeble attempt, just to oppose the Application and nothing more than it.

6. Be that as it may.

It is a matter of fact on record that, Applicant was permitted to travel abroad on earlier two occasions under the Orders of this Court dated 11th April, 2022 and 16th December, 2022 and he has returned to India within the stipulated period and has also complied with all the conditions imposed upon him.

7. In view thereof, we are inclined to allow the Applicant to travel to Moscow *via* Dubai from 25th February, 2023 to 2nd March, 2023 on following terms and conditions.

- a) Applicant to share his travel details along with address/es at Moscow and contact numbers of the Applicant to the Respondent No.2.
- b) After the Applicant's return to India on 2nd March, 2023, he shall give intimation to the Respondent No.2 in writing about the same, on or before 5th March, 2023.

8. We also permit the Applicant to travel to New York *via* Istanbul from 12th March, 2023 to 26th March, 2023 on following terms and conditions.

- a) Applicant to share his travel details along with address/es at New York and contact numbers of the Applicant to the Respondent No.2.
 - b) After the Applicant's return to India on 26th March, 2023, he shall give intimation to the Respondent No.2 in writing about the same, on or before 29th March, 2023.
9. Application is allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)