

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1345 OF 2023
IN
CRIMINAL WRIT PETITION NO. 3282 OF 2022

Anita Naresh Goyal
Age : 69 years, 72, Jupiter Apts,
Anstey Road,
Off Altamount Road,
Mumbai – 400026

... Applicant

Versus

1. Union of India
Through
Bureau of Investigation
Special Branch Building,
3rd Floor,
Badruddin Tayyaji Marg,
Behind St. Xaviers College,
C.S.T., Mumbai – 400 001
2. Ministry of Corporate Affairs
Having its regional office at
100, Marine Drive
Mumbai – 400002
3. The Foreigners Regional
Registration Office
78/1, Badruddin Tayabji
Marg, Dhobi Talao,
Chhatrapati Shivaji
Terminus Area, Fort,
Mumbai 400001

4. State of Maharashtra
Through the Public
Prosecutor
 5. Directorate of Enforcement
Mumbai Zone II Office
Ceejay House,
Unit Nos.301-303, 402-403
Dr.Annie Besant Road,
Worli, Mumbai 400 018
 6. State Bank of India
A body corporate
Constituted under the State
Bank of India Act, 1955, and
having its office at Stressed
Assets Management
Branch – I, Mumbai,
“The Arcade”, 2nd Floor,
World Trade Centre,
Cuffe Parade, Colaba,
Mumbai – 400005
 7. Serious Fraud Investigation Office,
Fountain Telecom Building-1,
Near Central Telegraph
Office, M.G. Road, Fort,
Mumbai – 400 001
- ... Respondents

Mr. Aabad Ponda, Senior Advocate a/w Mr. Ameet Naik, Mr. Abhishek Kale, Ms.Arya Bile, Mr.Parikshit K. and Mr. Vidhur Malhotra i/by Naik Naik & Co., for the Applicant.

Mr. Shreeram Shirsat for Respondent No.5-ED.

Mrs.Rathina Maravarman a/w Ms.Akanksha Hambir for Respondent No.6-SBI.

Mr. Hiten S. Venegaonkar for Respondent No.7-SFIO.

Mr. S.S. Pednekar, APP for the Respondent-State.

CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.

DATE : APRIL 18, 2023

P. C. :

1. By this application, the Applicant seeks permission to travel to Dubai for a period of one month from 20th April, 2023.

2. Learned counsel for the Applicant submits that the Applicant has travelled earlier on one occasion, pursuant to the order dated 30th September, 2022 passed by this Court in Criminal Writ Petition No.3282 of 2022. He submits that, the son of the Applicant is residing in Dubai and as such, the Applicant wants to spend time with her son and his family. He submits that the Applicant has cooperated with all the investigating agencies and will continue to cooperate with the investigating agencies even in the future.

3. Mr.Venegaonkar, has tendered an affidavit of the Respondent No.7–i.e. Senior Assistant Director, Serious Fraud Investigation Office (SFIO). The same is taken on record. A perusal of the said affidavit shows that the Respondent No.2 has sought rejection of the applicant's interim application seeking permission to travel to Dubai.

4. Perused the papers. It appears that there are three LOCs which are pending as against the Applicant i.e. one issued at the instance of Respondent No.7–SFIO; second issued at the instance of the Respondent no.5–Enforcement Directorate (ED); and the third issued at the instance of Respondent No.6-State Bank of India (SBI).

5. As far as ED proceedings are concerned, this Court *vide* order dated 23rd February, 2023 passed in Criminal Writ Petition No.4037 of 2022 and Criminal Writ Petition No.4038 of 2022 has quashed the ECIR registered by the ED, as against the Applicant and her husband.

6. As far as LOC issued at the instance of SBI is concerned, learned counsel appearing for the Respondent No.6–SBI states that the SBI has no objection if the application is allowed, provided similar conditions as imposed by this Court *vide* order dated 30th September, 2022 passed in Criminal Writ Petition No.3282 of 2022, are imposed on the Applicant.

7. It appears that the Applicant's son resides in Dubai and that the Applicant wants to travel to Dubai for a period of one month to meet her son and his family. It is also not in dispute that

the Applicant has previously travelled to Dubai, pursuant to the order passed by this Court dated 30th September, 2022 passed in Criminal Writ Petition No.3282 of 2022, subject to certain terms and conditions stipulated in the said order. It is also not in dispute that the Applicant has complied with the conditions stipulated in the said orders. It also appears that the Applicant has attended the SFIO's office as and when directed and assures to cooperate even in the future with the SFIO authority.

8. Considering the above, we allow the application and permit the Applicant to travel to Dubai from 20th April, 2023 for a period of one month i.e. till 19th May, 2023, subject to the following terms and conditions:

- (1) The Applicant is permitted to travel from Mumbai to Dubai on **20th April, 2023** and shall return back to Mumbai from Dubai on **19th May, 2023**.
- (2) The Applicant to provide the travel details and place of stay to the Respondents i.e. ED, SFIO and SBI.
- (3) The Applicant shall provide necessary details such as the details about her properties, her bank accounts to the Respondents.

- (4) The Applicant shall provide necessary details, namely, address, telephone numbers, mobile numbers of her son and daughter-in-law and one of the close relatives to the respondents.
- (5) The Applicant to file an affidavit in the form of an undertaking that she will abide by all the conditions.
- (6) All the above details shall also be provided to the Serious Fraud Investigation Office.

9. To enable the Applicant to travel on 20th April, 2023, the Enforcement Directorate (ED) to forthwith handover the Applicant's passport to the Applicant or to her constituted attorney today or latest by tomorrow morning. On the Applicant's return, the Applicant to handover the passport to the Enforcement Directorate (ED).

10. Needless to state, that all the three LOCs issued at the instance of the SFIO, ED and SBI as against the Applicant are suspended upto 20th May, 2023, to enable the Applicant to travel as aforesaid.

11. The learned counsel appearing for the SFIO and the

learned counsel appearing for the ED to inform the Immigration Authorities of the order passed today.

12. The application is allowed in the aforesaid terms.

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

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.