

Darshan Patil

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

CRIMINAL APPLICATION NO.683 OF 2022

AASHIM MONGIA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Siddharth Jagushte for the applicant.

Mr. N.B. Patil, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 6, 2023.

P.C. :

1. This is an application for modification of a bail condition imposed by the learned Sessions Court by order dated 25/08/2021 while granting the anticipatory bail to the applicant that he shall not leave India without prior permission of the Court.

2. I have gone through the order passed by the trial Court, granting the applicant anticipatory bail. It is the case of the prosecution that on 24/10/2018 Department of Public Works (PWD) had organised an event in the Arabian Sea for which they hired a speedboat from M/s West Coast

Marine Yacht Services Pvt. Ltd. (hereafter referred as "the company",). There was a problem with the speedboat and water started entering the boat. One person died. The case of accidental death was reported. Negligence on the part of the company of which, as stated in the application, the applicant is the CEO and Managing Director is alleged. The company is having established business in Mumbai engaged in Ro-Ro services. For business purposes, on and off, the applicant has to travel abroad. Pursuant to the order passed by the Sessions Court, the applicant after obtaining permission of the trial Court travelled abroad on as many as 9 occasions and returned back. It is contended that on some occasions, considering the urgency and business commitments, the applicant has to immediately go abroad and attend urgent business meetings.

3. Having regard to the number of trips made by the applicant during the last one year after seeking permission of the Court, and also having regard to the nature of the allegations in the offence that is registered against him, in my opinion, the applicant does not appear to be a flight

risk. The condition for seeking permission to travel abroad needs to be modified. Accordingly, the condition 2(c) of the order dated 25/08/2021 of the Sessions Court shall now stand dispensed with. However, it is made clear that the applicant, shall before proceeding to travel abroad, submit his travel itinerary to the Investigating Officer of the concerned police station where the offence was registered. He shall inform the Investigating Officer upon returning back to the country.

4. The application is disposed of.

(M. S. KARNIK, J.)