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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2200 OF 2023
IN
CRIMINAL WRIT PETITION NO.1687 OF 2023**

Shernik Shah

...Applicant

Versus

Union of India and Others

...Respondents

Mr. Aditya Mithe a/w. Mr. Sachin Agawane and Mr. Krishna Tiwari
for the Applicant.

Mr. Kuldeep Patil for Respondent No. 1 – Union of India.

Mr. Dashrath Dube a/w. Mr. Rupesh Dubey for Respondent No. 2.

Ms. S. S. Kaushik, APP for the State.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATE : 12th JULY 2023

P. C. :

1. By this application the applicant seeks suspension of his
LOC issued at the behest of the respondent-CBI for the period
14th July 2023 to 21st July 2023 to enable the applicant to travel
to Hong Kong.

2. Perused the papers. It is not in dispute that the applicant has been chargesheeted by the CBI and has been enlarged on bail in the said case. Whilst granting bail learned judge had imposed certain terms and conditions. One of the condition in the bail order was that the applicant shall not leave India without the permission of the trial court.

3. It appears that the applicant preferred an application before the Additional Chief Metropolitan Magistrate, Esplanade, Mumbai and has sought permission to travel abroad for the period from 14th July 2023 to 21st July 2023.

4. Learned Judge vide order dated 6th July 2023 allowed the said application and as such permitted the applicant to travel to Hong Kong for the said period on the condition that he furnishes cash security of Rs.2,00,000/- and other terms and conditions which are reproduced hereinunder:

3) The applicant/accused shall inform his details regarding his place of stay, detail addresses, telephone contact numbers

including cell phone in detail itinerary to the investigating Officer.

4) The applicant/accused shall not seek any extension of time from abroad on any count.

5) He shall intimate his departure and arrival in India to the Investigating Officer.

6) The applicant/accused is directed to be available on video conference of the court as and when called for framing of charge against him, hearing of the case during his travel at abroad.

7) In case, the applicant/accused commits breach of any condition, the aforesaid additional cash security amount shall be forfeited to the State and non-bailable warrant will be issued against him.

8) The applicant/accused is further directed to file an undertaking that he will not have any objection, if any order against him is passed in the proceeding pending before this court, if he or his advocate remains absent on the date of hearing and fails to file proper application according to law, during the said period of travel.

9) The applicant/accused shall not dispute his identity during the course of trial and shall remain present before Court through advocate.

10) The applicant/accused is directed to comply all the conditions before travelling abroad without fail and if he fails to do so, then this permission to travel abroad stands rejected.

5. Considering that the applicant has been permitted to travel to Hong Kong by the trial court, we allow the application and as such suspend the LOC issued at the behest of respondent no.3 for the said period i.e. from 14th July 2023 to 22nd July 2023, so as to enable the applicant to travel to Hong Kong. The Immigration Authorities on all points of departure, will permit the applicant to pass through immigration and to board his flight or flights, irrespective of whether the immigration system has been updated and whether the respondent No.3 has informed the Immigration Authorities or not.

6. Respondent no.3 - CBI to inform the immigration authority of the said order passed today, so as to enable the applicant to travel to Hong Kong. Similarly, counsel for respondent no. 2 to also inform the immigration authorities of the order passed today, so as to enable the applicant to have a smooth travel to Hong Kong and back

7. Application is allowed and disposed of in the above terms.

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

GAURI GODSE, J.

REVATI MOHITE DERE, J.