

rrpillai

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

CRIMINAL WRIT PETITION NO. 2462 OF 2023

Kapil Devprakash Rajput

...Petitioner

Versus

Union of India and Others

...Respondents

Mr. Rahul Agarwal a/w. Mr. Aman Kacheria and Ms. Jasmin Purani for the Petitioner.

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

Ms. Akanksha Hambir i/b. Ms. Rathina Maravarman for Respondent no. 2.

Mr. Kuldeep Patil for Respondent no. 5 - CBI

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

DATE : 20th JULY 2023

P. C. :

1. At the outset, learned counsel for the petitioner seeks leave to amend, to implead CBI as party respondent no.5. Leave granted. Amendment to be carried out forthwith.

2. By this petition, the petitioner seeks suspension of his LOC during the period 19th July 2023 to 5th August 2023. Learned

Digitally signed
by
RAJESHWARI
RAMESH
PILLAI
Date:
2023.07.20
14:59:36 +0530

counsel for the petitioner submits that the petitioner was permitted to travel to United Kingdom for the aforesaid period in all the three cases; by the Courts seized of the said three cases; i.e. by the learned Special Judge (CBI) for Greater Mumbai in CBI Special Case No. 1639 of 2021 and 10th JMFC, CBD Belapur in RCC Case No. 732 of 2016 and RCC Case No. 1390 of 2016. He submits that when the petitioner reached the airport yesterday he was informed that he could not travel, in view of the LOC issued against him, at the behest of respondent no. 3-Bank of Baroda and hence he has filed the aforesaid petition.

3. Perused the papers. The petitioner filed applications seeking permission to travel abroad in all the three cases pending against him i.e. before the learned Special Judge (CBI) for Greater Mumbai in CBI Special Case No. 1639 of 2021 and before the 10th JMFC, CBD Belapur in RCC Case No. 732 of 2016 and RCC Case No. 1390 of 2016. All the said three courts allowed the application preferred by the petitioner and permitted him to travel abroad during the period 19th July 2023 to 5th August 2023 on terms and conditions stipulated therein. It appears that the

petitioner complied with the terms and conditions set out by all the three courts and when he reached the airport he learnt that there was an LOC issued as against him at the behest of respondent no. 3-Bank of Baroda. Hence, the aforesaid petition seeking suspension of the LOC during the said period has been filed.

4. It appears that the petitioner's sons graduation ceremony is scheduled for tomorrow i.e. 21st July 2023. The petitioner has already been granted permission by all the three courts to travel abroad and the CBI was also directed to return his passport to enable the petitioner to travel abroad.

5. Considering the aforesaid, we allow the petition and suspend the LOC issued at the behest of respondent no. 3-Bank of Baroda, during the period 19th July 2023 to 6th August 2023 to enable the petitioner to travel to United Kingdom.

6. The respondent no. 3 to communicate this order to the Immigration Authorities at the earliest and in any event before 6.00 pm today.

7. The Immigration Authorities on all points of departure, will permit the petitioner 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 informed the Immigration Authorities or not.

8. Writ Petition is disposed of in the aforesaid terms.

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

GAURI GODSE, J.

REVATI MOHITE DERE, J.