



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3437 OF 2023

IN

CRIMINAL WRIT PETITION (ST.) NO. 8911 OF 2023

Sanjay Vishwanath Sapre

...Applicant

V/s.

Union of India, through Director,

Directorate of Enforcement and others.

...Respondents

Mr. Amit Desai, Senior Advocate a/w Mr. Pranav Badheka, Mr. Siddharth Dang, Ms. Chitra Rentala, Mr. Abhishek Sehgal, Ms. Anoushka Mehta and Mr. Manikanda Prabhu i/by Trilegal for Applicant.

Mr. Ashish Chavan a/w Mr. Zishan Quazi, Mr. Manoj Borkar for Respondent No.4.

Ms. Neha Bhide, for Respondent-ED.

Ms. A.S. Pai, Public Prosecutor a/w Ms. M.H. Mhatre, APP for the Respondent-State.

CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.

DATE : 26th September, 2023.

P. C. (Per : SHARMILA U. DESHMUKH, J.) :

1. Heard Mr. Amit Desai, learned Senior Advocate for the Applicant, Ms. Neha Bhide, learned counsel for Respondent-Directorate of Enforcement and learned APP for the Respondent-State.

2. By this Interim Application, the Applicant seeks temporary suspension of LOC/notice or any other documents/instructions or communications imposing travel restrictions on the Applicant to enable

the Applicant to travel to USA for a period of six months commencing from 4th October, 2023.

3. Mr. Desai, learned Senior Advocate appearing for the Applicant submits that vide Order dated 19th May, 2023, the Applicant was permitted to travel to USA for a limited period from 19th May, 2023 to 16th July, 2023 and thereafter, he has returned to India. He submits that after returning to India, he has not been summoned for questioning by the Respondent-Directorate. He would further submit that the Applicant is employed in USA and is required to return to USA for a period of six months. On instructions, he submits that as and when required for investigation during this period of six months, the Applicant would return to India.

4. Ms. Bhide, learned counsel appearing for Respondent-Directorate, on instructions, does not have serious opposition to the suspension of LOC/notice for a temporary period subject to the same being granted on the terms and conditions stipulated in the Order dated 19th May, 2023 passed in Interim Application (St.) No.8912 of 2023.

5. The Applicant had earlier been permitted to travel overseas for a period of two months by this Court on certain terms and conditions and there has been no breach thereof by the Appellant. It needs to be noted that after the Applicant's return to India in July, 2023, he has not

been summoned for questioning.

6. As such, in our opinion, there is no impediment to permit the Applicant to travel to USA for a period of six months and to temporarily suspend the LOC/notice for said period, on the following terms and conditions:

- (i) The Applicant – Sanjay Vishwanath Sapre is permitted to travel to USA for a period of 6 (six) months commencing from 4th October, 2023;
- (ii) The Applicant before his departure to furnish the details of the address where he would be residing, contact number on which he can be contacted during this period and the contact details of one of his family member/relative residing in USA, to the Respondent-Directorate of Enforcement;
- (iii) The Applicant shall not apply for renewal or extension of this Order until he returns to this country;
- (iv) The Applicant to submit an Affidavit-cum-undertaking that he will appear before the Respondent-Directorate when summoned with minimum 10 days prior notice during the said period of six months in registry of this Court before departure with a copy to Directorate of Enforcement;
- (v) 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;

- (vi) The Applicant shall inform the Directorate of Enforcement of his arrival within 48 hours of his arrival in India.
 - (vii) In the meantime, the operation of the LOC issued against the Applicant, is temporarily suspended during for a period of 6 (six) months commencing from 4th October, 2023.
 - (viii) The Respondent-Directorate of Enforcement to communicate this Order to the Immigration Authorities forthwith.
- 7. Interim Application is disposed off in the above terms.
 - 8. All concerned to act on the authenticated copy of this Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)