



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3696 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 891 OF 2022

Rajesh Kedia ...Applicant

Versus

State of Maharashtra and anr. ...Respondent

Mr. Aditya Pratap, a/w Neel Paralikar and Atithi Abhay, for the Applicant.

Smt. Ashwini Takalkar, APP for the State.

PI Nitin Gije, attached to Unit VII (Shares) EOW, Mumbai, present.

CORAM: N. J. JAMADAR, J.

DATED : 12th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking permission to travel abroad.
3. The applicant has been arraigned in CR No.76 of 2021 investigated by EOW for the offences punishable under Sections 120B, 406 and 409 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code"). By an order dated 21st July, 2023 the Court was persuaded to grant pre-arrest bail to the applicant subject to certain conditions. One of the conditions

was that the applicant shall not leave the country without prior permission of the Court. In the application, the applicant has furnished the tentative itinerary of travel abroad for business purpose from 17th October, 2023 to 24th October, 2023. The applicant has furnished the details of the persons with whom he proposes to meet at the destination and the places he proposes to visit.

4. The learned APP has resisted the application. The learned APP, on the instructions of the Investigating Officer, submits that there is an apprehension that the applicant may not return to India, if he is permitted to travel abroad.

5. I have perused the allegation against the applicant, as is evident from the order passed by this Court while granting pre-arrest bail to the applicant. This Court was persuaded to exercise the discretion as the dispute was essentially as regards the delivery of the shares and the question as to whether the shares were given as lending/margin and/or for trading purpose was a matter for adjudication.

6. It appears that the applicant has roots in India to bring him back to India. The proposed visit to Dubai appears to be for business purpose. I am, therefore, inclined to permit the

applicant to travel abroad subject to certain conditions to ensure that the applicant becomes available to face the trial.

7. Hence the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) The applicant is permitted to travel Dubai and United Arab Emirates from 17th October, 2023 to 24th October, 2023, on furnishing a PR Bond in the sum of Rs.3,00,000/- and a cash surety of the same amount and, solvent surety in the like amount, to the satisfaction of the Jurisdictional Magistrate.
- (iii) The applicant shall also furnish, on an affidavit, the details of the itinerary, particularly the date on which the applicant would return back to India, and the address/es at which the applicant would be residing at Dubai and UAE and contact number/s and address thereat. The applicant shall also furnish a self attested copy of the passport alongwith the affidavit, to be filed in the Registry of this Court.

- (iv) Copy of such affidavit and self-attested copy of the passport be also furnished to the Investigating Officer.
- (v) Application stands disposed.
- (vi) All concerned to act on an authenticated copy of this order.

[N. J. JAMADAR, J.]