

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4034 OF 2023

IN

WRIT PETITION NO. 3374 OF 2023

Vallabh Moolchand Rathi

.. Applicant

vs.

Union of India & Ors.

.. Respondents

Mr. Girish Kulkarni i/b Mr. Maitreya Shukla for the Applicant.

Mr. D. P. Singh i/b Mr. Pradeep Yadav, for Respondent Nos.1 to 3.

Mr. A. S. Pai PP a/w Ms. Mahalakshmi Ganpathy APP, for Respondent No.4-State.

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 2nd NOVEMBER, 2023.

P. C.:-

1) The instant Application is filed by the Applicant seeking to allow him to travel Bahrain between 5th November, 2023 to 30th November, 2023 by staying the effect of the Lookout Circular issued against the applicant at the Instance of Respondent No. 1, Serious, Fraud Investigation Officer in the light of CC No. 4000054/SS/23 filed before the Learned Metropolitan Magistrate, 40th Court, Girgaon.

2) Perused the Application and the documents enclosed. Heard Shri. Kulkarni, the learned Senior Counsel for the Applicant and Shri. D.P.

Singh, learned Advocate for the Respondent No. 1.

3) As stated in the application, the Respondent No. 1 has filed the said C.C.No.4000054/SS/23 against the Applicant for having committed the Offences punishable under Sections 621(1), 212(14), 212(1), 218, 285, 629A, 292(1) (D), 629A, 383A(1), 628, 211, 211(3)(C), 372A of the Companies Act, 1956 *vide* the case status report at Exhibit 'C'. The Applicant has challenged the LOC in Writ Petition No.3374 of 2023.

4) It is submitted that the Applicant's daughter is getting married at Bahrain for which there are functions between 18th November, 2023 to 24th November, 2023. The Applicant being the father intends to make necessary arrangements for the wedding at Bahrain. Hence, the Applicant is seeking leave of this Court to travel to Bahrain between 5th November, 2023 to 30th November, 2023. The Applicants travel details including the flight, stay and contact details are annexed with the Application at Exhibit 'A' and 'B'. The wedding card is at Exhibit 'E'. Thus, the documents support the Application.

5) As per the submission of Mr. Girish Kulkarni, the learned Senior Counsel for the Applicant, the complaint filed by Respondent No.1 discloses that, a non-cognizable offence is alleged against the Applicant for which the punishment provided is of fine Rs. 5,000/- and imprisonment for a period up-to 2 years and fine. So, looking at the nature of the Offences alleged, the

Applicant does not seem to be a flight risk.

6) Considering the aforesaid, we permit the Applicant to travel abroad *i.e.* to Bahrain between 5th November, 2023 to 30th November, 2023 to attend his daughter's marriage, on the following terms and conditions:

(i) During the said period *i.e.* from 5th November, 2023 to 30th November, 2023 the LOC issued at the instance of the SFIO shall stand suspended.

(ii) The Applicant, before his departure as above, to file an affidavit-cum-undertaking with the Registrar (Judicial-I), Appellate Side of this Court, setting out the full itinerary of his overseas travel with all details, including the address where he would stay, telephone/mobile/contact numbers, on which he can be contacted during the said period.

(iii) A copy of the said affidavit-cum-undertaking shall also be furnished to the SFIO, before the applicant's departure.

(iv) The Applicant before his departure shall also submit copies of his tickets for the onward and return journeys, to the SFIO as well as before the Registrar (Judicial-I), Appellate Side, of this Court and also inform the SFIO of his return back to India within one week of his

return.

(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 and whether the SFIO has informed the Immigration Authorities or not.

(vi) Learned PP for Respondent Nos.1 to 3 also assures to inform the Immigration Authorities of the Order passed today.

7) Interim Application is allowed in the aforesaid terms.

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

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)