

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

CRIMINAL APPLICATION NO.116 OF 2024

Chintan Arvind Shah
Age:44, Occ. Business
Address: residing at
49/50, 5th Floor, Prem Court
Near Jaslok Hospital,
Peddar Road,
Mumbai – 400 026.

...Applicant

Versus

The State of Maharashtra
Through Sr. Inspector of Police
Economic Offences Wing, Thane

...Respondent

Mr. Hemant Ingle i/b Mr. Pratik P. Ingle, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
DATE : 5th APRIL 2024***

ORAL ORDER (Per Revati Mohite Dere, J.):

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks permission to travel abroad i.e. to Bali, Indonesia from 9th to 14th April 2024; to

Saudi Arabia from 15th to 24th April 2024 and to Maldives from 24th to 30th April 2024. During the said period, the applicant seeks suspension of his Look Out Circular ('LOC').

3. Learned counsel for the applicant submits that this Court vide several orders had permitted the applicant to travel overseas on certain terms and conditions, as stipulated in the said orders. The said orders have been annexed to the aforesaid application.

4. Perused the application. The applicant has been arraigned as an accused in C.R. No.220 of 2018, registered with the Kalyan Police Station (subsequently transferred to the Economic Offences Wing, Thane), for the alleged offences punishable under Sections 406, 420 r/w 34 of the Indian Penal Code; Section 3 of the Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act ('MOFA) and Section 13(1) r/w 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act (MPID Act). It appears that there are two C.Rs

registered as against the applicant i.e. the aforesaid C.R. i.e. C.R. No.220 of 2018, registered with the Kalyan Police Station and another C.R. i.e. C.R. No.111 of 2019, also registered with the Kalyan Police Station, which C.R. has also been subsequently transferred to the Economic Offences Wing ('EOW'). The offences alleged are also identical in C.R. No.111 of 2019.

5. It is not in dispute that this Court had permitted the applicant to travel abroad vide several orders on certain terms and conditions, stipulated in the said orders. The said orders have been annexed to the aforesaid application. It is also not in dispute that the applicant had complied with the terms and conditions stipulated in the said orders.

6. Learned APP has no objection, if the application is allowed on similar terms and conditions, as imposed in the earlier orders passed by this Court.

7. Accordingly, the application is allowed on the following terms and conditions:

ORDER

(i) The applicant–Chintan Arvind Shah is permitted to travel abroad i.e. to Bali, Indonesia from 9th to 14th April 2024; to Saudi Arabia from 15th to 24th April 2024 and to Maldives from 24th to 30th April 2024;

(ii) The applicant, before his departure, to file an affidavit – cum – undertaking with the Registrar (Judicial – I), Appellate Side of this Court, giving full itinerary of his overseas travel with all details including the addresses where he would be staying, as well as the contact numbers on which he can be contacted, during the said period. A copy of the said affidavit – cum – undertaking shall also be furnished to the respondent-EOW before the applicant’s departure, by email/fax;

(iii) The applicant shall in the affidavit – cum – undertaking undertake not to apply for extension of this order until he return to this Country; and that he will return to India, on or before his date of arrival in India;

(iv) The Immigration Authorities on all points of departure, will permit the applicant to pass through immigration and to board the flight or flights, irrespective of whether the immigration system has been updated and whether the respondent-EOW has informed the Immigration Authorities or not;

(v) During the said period of travel i.e. from 9th April to 30th April 2024, the LOC issued against the applicant, in C.R. No.220 of 2018, registered initially with Kalyan Police Station and subsequently transferred to the EOW, Thane, shall stand suspended, during the said period;

(vi) The Respondent-EOW to forthwith communicate this order to the immigration authorities and in any event within 24 hours of this order being uploaded;

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

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

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.