



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

**INTERIM APPLICATION NO. 836 OF 2024
IN
CRIMINAL APPEAL NO. 20 OF 2017**

ANIL LAXMICHAND MENDA ..APPLICANT

IN THE MATTER OF

ANIL LAXMICHAND MENDA ..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR ..RESPONDENTS

Mr. Sajid Sayed a/w Mr. Rahul Agarwal i/b Agarwal & Dhanuka Legal, for Applicant.

Ms. Megha Bajoria, APP for the State.

Mr. Amit Munde, SPP a/w Mr. Jai Vohra, for CBI.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 23, 2024

P.C. :

- 1.** Not on board. Taken on board.
- 2.** Heard learned counsel for the applicant, learned SPP Shri Munde for CBI and learned APP for the State.
- 3.** This is an application to travel to Dubai (U.A.E) for the period from 24/02/2024 to 01/03/2024 for attending the business meeting for exploring the potential business opportunities with Arka Petrochem FZC.
- 4.** The applicant was convicted by the trial Court under

various offences punishable under the Code of Criminal Procedure, Indian Penal Code and the Prevention of Corruption Act with maximum punishment being of 5 years of rigorous imprisonment. The fine amount has been paid. The appeal is admitted and the applicant is enlarged on bail.

5. The application to travel abroad is vehemently opposed by learned SPP Shri Munde appearing for CBI. It is pertinent to mention that the applicant had applied for permission to travel abroad before the trial Court. The trial Court rejected the application primarily on the ground that the application was made after the judgment and order was already delivered by the trial Court and when this appeal is pending. It is therefore that the present application is filed in this appeal.

6. Shri Munde opposed the application contending that though the applicant has in the application stated that he wants to travel abroad for a business venture, however, the application for visa would show that it is a tourist visa. The next contention of Shri Munde is that since the appeal is pending and there is conviction recorded, there is every possibility of the applicant absconding. He further submitted

that the business meeting can always be attended through video conferencing.

7. It is pertinent to note that during the pendency of the trial, the applicant has travelled abroad and returned back to face the trial. Furthermore, the applicant has already undergone 3 years and 7 months imprisonment before being enlarged on bail, which according to learned counsel for the applicant, including remission, will be 4 years and 3 months imprisonment. Even assuming that the appeal is dismissed, the applicant has to undergo remainder of 7 to 8 months of his sentence.

8. In my opinion, in the facts and circumstances of the present case, the permission to travel abroad should not be refused. Conditions can be imposed. The application deserves to be allowed and is accordingly allowed in terms of prayer clauses (b) and (c) which read thus :

“(b) This Hon’ble Court be pleased to allow the applicant to travel to Dubail (U.A.E) for the period from February 24, 2024 to March 01, 2024 for attending the business meeting for exploring the potential business opportunities with Arka Petrochem FZC.

(c) This Hon’ble Court be pleased to direct the Central Bureau of Investigation, BS & FC, Mumbai to return the passport bearing no. Z7537482 of the present applicant for the purpose of travelling abroad.

- 9.** The passport of the applicant which is with the CBI be handed over to the applicant expeditiously.
- 10.** After returning back to India, the passport be handed over to the CBI.
- 11.** The applicant shall submit the travel itinerary to the trial Court as well as CBI along with his contact details when he is abroad.
- 12.** The application is disposed of.

(M. S. KARNIK, J.)