

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

***INTERIM APPLICATION NO.1101 OF 2024
IN
WRIT PETITION (STAMP) NO. 4428 OF 2024***

Viran Kanubhai Patel

...Applicant

Versus

1. The State of Maharashtra
(At the instance of N. M. Joshi Marg
Police Station in C.R. No. 368 of 2023)
2. Bureau of Immigration, New Delhi.
(Ministry of Home Affairs, Govt. of India. ...Respondents

Mr. Keshav Chavan a/w Ms. Anita D. Marbhal, for the Applicant.

Mr. K. V. Saste, Addl.PP for the Respondent No.1– State.

P.C - Pratik Khatal from FRRO Office, Mumbai, is present.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 20th MARCH 2024

P.C. :

1. At the outset, learned counsel for the applicant seeks leave to amend the prayer clause. Leave granted. Amendment to be carried out forthwith.

2. By this interim application, the applicant seeks permission to travel to Tanzania from 22nd March 2024 to 22nd April 2024 and for suspension of the Look Out Circular ('LOC') issued against him, at the behest of respondent No.1, during the said period.

3. Perused the papers. It is not in dispute that the applicant has been granted pre-arrest bail by the learned Additional Sessions Judge, City Civil and Sessions Court, Greater Bombay, vide order dated 15th September 2023, on certain terms and conditions. One of the terms of the said order, was that the applicant shall not leave India, without prior permission of the trial Court. Thereafter, the applicant filed another application i.e. Miscellaneous Application No.619 of 2023, seeking permission to travel to Tanzania, for business purpose. Accordingly, the learned Additional Sessions Judge, City Civil and Sessions Court, Greater Bombay, vide order dated 9th November 2023 modified the said condition i.e. condition No.2(a), which reads as under:-

2(a) The applicant is permitted to travel out side India for the period from 10.11.2023 to 09.11.2025, but the applicant shall visit the concerned police station once in month till filling of charge-sheet, thereafter, once in three months after filling of charge-sheet and after the commencement of trial to attend the Court on each and every date, in default the aforesaid order stands vacated automatically."

4. Thus, the applicant has already been permitted to travel out of India during the aforesaid period. It is the applicant's case that when he went to the Airport, he learnt that an LOC has been issued as against him. The said LOC is at Exhibit – 'C', page 17 of the aforesaid writ petition. Pursuant to which, the applicant has filed the aforesaid petition. Since the applicant intends to travel to Tanzania from 22nd March 2024 to 22nd April 2024, in connection with his work and since charge-sheet is yet to be filed, we deem it appropriate to allow the applicant to travel to Tanzania from 22nd March 2024 to 22nd April 2024.

5. Learned counsel for the applicant has tendered an affidavit-cum-undertaking of the applicant, undertaking to abide by

the orders of this Court as well as the Sessions Court. In the said affidavit-cum-undertaking, applicant has stated that he is residing in Mumbai and is the Managing Director of the Company by the name “Glimexs Trading Limited ” and has business in Tanzania and India. The applicant has also attended the police station on 4th and 6th March 2024 as directed by this Court vide order dated 1st March 2024. The applicant in para 17 of the said affidavit-cum-undertaking, has undertaken that he will return to India, on or before 22nd April 2024 and that he will also give his itinerary, as may be directed. The applicant has also undertaken not to file any application seeking extension of time and to remain present before the trial Court at the time of filing of the charge-sheet. The said affidavit-cum-undertaking dated 19th March 2024 is taken on record.

6. Considering what is stated aforesaid, the application is allowed on the following terms and conditions;

ORDER

- (i) The applicant - Viran Kanubhai Patel, is permitted to travel to Tanzania during the period from 22nd March 2024 to 22nd April 2024, as stated aforesaid. During the said period of travel, the LOC issued as against the applicant, at the behest of the respondent No.1, shall stand suspended;
- (ii) The applicant, before his departure, shall furnish 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, to the respondent No.1-N. M. Joshi Marg Police Station via e-mail/fax or any other electronic mode;
- (iii) The applicant shall, on his return to India, within 48 hours, shall inform the respondent No.1, of his return;
- (iv) Mr. Saste, learned Additional Public Prosecutor, shall inform the Immigration Authorities of the order passed today, at the earliest and in any event within 24 hours of this order being uploaded;
- (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 respondent No.1 has informed the Immigration Authorities or not;

(vi) The applicant shall not apply for extension or renewal of this order, until he returns to India.

7. An officer of the respondent No.2-Bureau of Immigration, is present before us. He shall take note of the order passed today and accordingly inform the respondent No.2 of the same.

8. Interim Application is allowed and disposed of in above terms.

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

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.