

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

CRIMINAL APPLICATION (APL) NO. 462 OF 2024

Chintan Arvind Shah
Age 44, Occ. Business,
Address: residing at 49/50, 5 th 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.

.... Respondents

Ms. Saveena T. Bedi, for the Applicant.

Mr. K. V. Saste, Addl.P.P for the Respondent – State.

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

DATE : 12th 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 Italy, from 10th May 2024 to 30th May 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. was also 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 has 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 overseas i.e. to Italy, from 10th May 2024 to 30th May 2024;
- (ii) The applicant, before his departure, to furnish his 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, to the respondent-EOW, before his departure, by email/fax;
- (iii) The applicant shall not apply for extension of this order until he returns to 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 10th May 2024 to

30th May 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;

(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.