

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

**INTERIM APPLICATION NO. 1634 OF 2024
IN
CRIMINAL WRIT PETITION NO. 4055 OF 2019**

Mahendra Babulal Shah

...Applicant/
Original Petitioner No.6.

Versus

The State of Maharashtra And Anr.

...Respondents

....

Mr.Saurabh Desai i/by Mr. Apoorve Vijay Singh, Advocate for the
Petitioners in WP No.4055 of 2019.

Mr.Murlidhar Kale a/w Mr.Nishant B. Gautam i/by Johdhale & Co.
Advocate for Respondent No.2.

Ms.Shefali Bhasin, Advocate for the applicant in Interim Application.

Mr.V. A. Kulkarni, APP for the Respondent – State.

Mr.Hole (P.S.I.) Gamdevi Police Station, present.

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**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**

DATE : 26th APRIL 2024

P.C.:

1. This is an application seeking permission to travel abroad to
Vietnam to Singapore for a period of 15 days from 3rd May 2024 to
17th May 2024.

2. The applicant is one of the Petitioner in Criminal Writ Petition 4055 of 2019 which is pending before this Court. The Petitioners therein had challenged the proceedings in C.C. No.313/PW/2018 filed for offences under Sections 451, 427, 379, 405, 143 & 149 of Indian Penal Code (for short “IPC”) pending in the Court of learned Metropolitan Magistrate 40th Court, Girgaon, Mumbai. The Petition was heard on 18.11.2019 and ad-interim relief was granted in terms of prayer clause (c).

3. The applicant contends that he is travelling out of India for family vacation with his wife, daughter and son-in-law. He is travelling from Mumbai to Vietnam through connected flights and thereafter from Vietnam to Singapore. The copies of the flight tickets and hotel reservations are annexed to this application.

4. Learned Advocate for Respondent No.2 submitted that the main petition challenging the proceedings is pending in this Court. In the event the Court grants the permission to the applicant to travel abroad, appropriate conditions be imposed.

5. The applicant had applied for renewal of passport by preferring application before this Court which was allowed vide order dated 12.01.2023 on certain conditions. It was directed that the applicant shall not travel abroad without permission of the

appropriate Court. The applicant had initially approached the Court of learned Magistrate. The Court rejected the said application on the ground that the proceedings are stayed by the High Court.

6. The applicant wants to travel abroad for short period. Petition for quashing proceedings is pending in this Court.

7. Considering the aforesaid circumstances, we allow this application granting permission to the applicant to travel abroad.

ORDER

- i. Interim Application No.1634 of 2024 is allowed and disposed off;
- ii. The applicant is permitted to travel abroad to Vietnam to Singapore from 3rd May 2024 to 17th May 2024.
- iii. The applicant shall provide the details of his travel including the contact number to Gamdevi Police Station, Mumbai, before the applicant travels abroad.
- iv. After he returns to India he shall intimate Gamdevi Police Station about his arrival within one week.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)