RUPALI RAJESH WAKODIKAR
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1871 OF 2024

IN

CRIMINAL WRIT PETITION NO. 3429 OF 2022

Yashovardhan Birla ...Applicant/Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. A.S.Pal a/w Mr. Sunny Punamiya, Mr. Siddhartha Puthoor & Ms. Vaidehi Bhatt i/b Mehta & Padamsey, for the Applicant/Petitioner.

Mr. H.S.Venegavkar, Spl.P.P a/w Mr. Aayush Kedia i/b Mr. Pradeep Yadav & Ms. Divya Gontia for the Respondent – SFIO.

Mr. Rahul Saraf, Investigating Officer, present.

Mr. Faisal Sayyed a/w Mr. Santosh Budhwani, Mr. Aagam Mehta a/w Mr. Jaiveer Dhankan i/b Manilal Kher Ambalal & Co. for the Intervenor.

Ms. P.S.Rane, APP, for the Respondent-State.

CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
DATE : 30th APRIL, 2024

ORAL ORDER (Per Revati Mohite Dere) :

1. Heard learned Counsel for the parties.

2. By this interim application, the applicant seeks permission to travel to London, United Kingdom and Zurich, Switzerland, from 15th May, 2024 to 5th July, 2024. During the said period, the applicant seeks suspension of the Look Out Circular ('LOC') issued as against the applicant at the behest of the respondent No.2 - SFIO.

3. Learned Counsel for the applicant submits that the applicant was permitted to travel on several occasions by this Court as well as by the PMLA Court. Learned Counsel relies on the orders annexed to the application. According to the learned Counsel for the applicant, the applicant is required to travel for business purpose and for vacation to U.K. and Switzerland. Learned Counsel for the applicant submits that the applicant is ready to furnish his itinerary of his overseas travel including the addresses where he would be staying and the contact numbers on which he can be contacted during the said period.

4. Mr. Venegavkar, learned Spl.P.P appearing for the

respondent No.2 – SFIO submits that similar conditions be imposed as imposed by this Court earlier, whilst permitting the applicant to travel overseas.

5. Perused the application. The applicant is facing prosecution under the MPID Act as well as under the PMLA Act. Both the said cases are pending before the learned Special Judge. Both the Courts have permitted the applicant to travel overseas. This Court had also permitted the applicant to travel overseas on certain terms and conditions. It is not in dispute that the applicant has abided by the terms and conditions stipulated in the said order. As far as the respondent No.2 – SFIO is concerned, the investigation is still in progress. It appears that pursuant to the summons issued by the respondent No.2 – SFIO, the applicant has responded to the said summons. It also appears that the applicant has challenged the summons issued by the SFIO, before this Court.

6. Be that as it may, the applicant has travelled earlier and has

abided by the terms and conditions stipulated therein. The applicant is an Indian citizen and as such, has roots in society.

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

ORDER

(i) The applicant – Yashovardhan Birla, is permitted to travel to London, United Kingdom and Zurich, Switzerland, during the period from 15th May, 2024 to 5th July, 2024. During the said period of travel, the LOC issued as against the applicant at the behest of the Respondent No.2 – SFIO, shall stand suspended;

(ii) The applicant, before his departure, shall furnish the full itinerary of his overseas travel i.e. all details, including the address/addresses where he would stay, and telephone/mobile/contact numbers, on which he can be contacted during the said period, to the Respondent No.2 -

SFIO, 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.2 - SFIO, of his return;

(iv) The Respondent No.2 – SFIO, shall inform the Immigration Authorities of the order passed today, and in any event, within 48 hours of uploading of this order;

(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 SFIO, 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.

8. The Application is accordingly disposed of.

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

MANJUSHA DESHPANDE, J. **REVATI MOHITE DERE, J.**