

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

***INTERIM APPLICATION NO. 21 OF 2024
IN
WRIT PETITION NO. 30 OF 2024***

Parvath Shetty	 Applicant
Versus	
State Of Maharashtra	 Respondents

Mr. Dilip H. Shukla, for the Applicant.

Mr. V. B. Konde Deshmukh, Additional P.P for the Respondent No.1 – State.

Mr. Shreeram Shirsat, Special PP a/w Ms. Tanvi Mate, Mr. Shekhar Mane, Ms. Karishma Rajesh for Respondent No.2 – ED.

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

DATE : 9th JANUARY 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 during the course of the day.

2. By this interim application, the applicant seeks suspension of the Look Out Circular (“LOC”) dated 5th October, 2023 and permission to travel to Australia and Dubai for the period, 10th January, 2024 to 22nd February, 2024.

3. Learned Counsel for the applicant states that the applicant intends to visit Australia and Dubai with his cousins on a family tour, and such the LOC issued at the behest of the respondent No.2-Enforcement Directorate (“ED”), be suspended during the said period of travel i.e. from the 10th January, 2024 to 22nd February, 2024. To the said application, the applicant has annexed the tickets of his travel and set out the itinerary of his travel. He submits that the ECIR was registered in the year 2019 and that the applicant has attended the office of the ED pursuant to the said four summons received by him. He submits that admittedly no predicate offence has been registered as against the applicant till date, and that the ED is investigating a case, in which one Jitendra Jain, against whom a predicate offence has been registered. Learned Counsel submits that the applicant has not been

named in the ECIR, as an accused till date. Learned Counsel for the applicant submits that the applicant has co-operated with the investigation and will continue to co-operate with the investigation, as and when summoned.

4. Mr. Shirsat, learned Special Public Prosecutor, for the respondent No.2 opposed the application. Mr. Shirsat has tendered an affidavit of Shri. Ratnesh Kumar Karn, Assistant Director, Directorate of Enforcement, Mumbai, dated 9th January, 2024. The same is taken on record.

5. Mr. Shirsat, does not dispute the fact, that till date, the applicant has not been named as an accused in the ECIR. He further states that the role of the applicant is being investigated. Mr. Shirsat also does not dispute the fact, that till date four summons issued by the ED, summoning the applicant to attend the office of the ED, have been complied with by the applicant.

6. Perused papers. It is not in dispute that ECIR/MB20-I/03/2019 was registered in the year 2019 by the ED as against some of the accused. Admittedly, the applicant has not been arrayed as an accused in the said ECIR till date. It appears that investigation is still going on and that the role of the applicant has not been crystallized till date. It is not in dispute that the applicant has attended the office of the ED, pursuant to the four summons issued by the ED.

7. It appears from the application that the applicant intends to travel to Australia and Dubai from 10th January, 2024 to 22nd February, 2024. The details of the travel have been mentioned in the application. At 'Exh-F', the tour itinerary is given i.e. 18 nights in Dubai and 25 nights in Australia. It is a tour package, in which the applicant intends to travel.

8. During the course of hearing, learned Counsel for the applicant submitted that the applicant is ready to deposit the passports

of his wife and daughter with the office of Assistant Director, ED, Mumbai, before his departure. We are informed that the original title deed with respect to the applicant's property has been submitted with the concerned Bank and as such the applicant will produce a letter from the Bank with respect to the said property and that the said letter will also be handed over to the authority.

9. Considering the facts as stated aforesaid, we deem it proper to allow the application and as such permit the applicant to travel on the following terms and conditions :

ORDER

(i) The applicant - Parvath Shetty is permitted to travel to Australia and Dubai for a period of 10th January, 2024 to 22nd February, 2024 . Accordingly, we suspend the Look Out Circular dated 5th October, 2023 issued against the applicant, during the said period;

(ii) Itinerary of the travel of the applicant and contact number shall also be furnished to the office of Assistant Director, ED, Mumbai,

before the applicant's departure;

(iii) The applicant shall undertake not to apply for renewal or extension of this order until he returns to this Country;

(iv) The passport of the applicant's wife and daughter as well as letter of the Bank, with whom the applicant's property is mortgaged, to be deposited by the applicant, in the office of Assistant Director, ED, Mumbai, before his departure;

(v) The respondent No.2 i.e. ED to inform the Immigration Authorities, of the order passed today at the earliest, so as to enable the applicant to travel as stated aforesaid;

(vi) 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. 2 has informed the

Immigration Authorities or not;

(vii) On the applicant's return to India, the ED Authorities to return the applicant's wife's and daughter's passports to the applicant.

(viii) Application is disposed off.

(ix) All the concerned to act on the authenticated copy of this Order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.

CHAITANYA
ASHOK
JADHAV
Digitally
signed by
CHAITANYA
ASHOK
JADHAV
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