

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

**INTERIM APPLICATION NO.1730 OF 2024
IN
INTERIM APPLICATION NO.477 OF 2020
IN
CRIMINAL APPEAL NO.127 OF 2020**

Virendra Laxmidas Thakkar Applicant
versus
The State of Maharashtra Respondent

IN THE MATTER BETWEEN :

Yadnesh Naryandas Thakkar & Ors. Applicants
versus
The State of Maharashtra Respondent

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- Mr. Rahul Arote, Advocate for Applicant.
- Smt. Sangita D. Shinde, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th AUGUST, 2024**

P.C. :

1. This is an application for modification of the condition No.(iii) in the operative part of the order dated 11/03/2020 passed in Criminal Application No.1/2020 in Criminal Appeal No.127/2020. The Applicant has preferred the Criminal Appeal No.127/2020 challenging the Judgment and Order dated 24/01/2020 in Special Case MPID No.1/2004 with 16/2005.

2. The Appeal was admitted and the Applicant along with others were granted bail vide the said order. Clause (iii) of the operative part reads thus :

“(iii) The applicants shall not leave the jurisdiction of the learned Additional Sessions Judge, Thane without seeking prior permission of the said Court.”

3. Heard Mr. Rahul Arote, learned counsel for the Applicant and Smt. Sangita D. Shinde, learned APP for the State.
4. Learned counsel for the Applicant has prayed for relaxation of the condition. He submitted that in the past, this Court had permitted the Applicant to travel abroad. He has accordingly travelled abroad and has returned to India. Subsequently, on the next occasion, the Applicant was again given permission to travel abroad. The Applicant has sufficiently established his bonafides.

5. Learned APP submitted that the on the second occasion, the Applicant had taken the passport but has not returned it.
6. Learned counsel for the Applicant submitted that the order passed earlier shows that he is permitted to travel abroad upto 05/09/2024. After that, the Applicant shall submit his passport as directed. He submitted that the Applicant is now gainfully employed in Hyderabad. Therefore, he has to leave Thane and settle in Hyderabad. It is not possible to take permission every time from the Court at Thane for going outside the jurisdiction of Thane. He submitted that the Appeal is not likely to be decided in the near future. The Applicant is a 68 year old man. Therefore, he is finding it extremely difficult to apply every time to the Court at Thane, seeking permission for going outside the jurisdiction of Thane.
7. I have considered these submissions. The Applicant had established his bonafides by returning back to India after travelling abroad on past occasions. The Appeal is not likely to

be decided in the near future. The Applicant cannot be deprived from his right to earn through his employment, particularly when, it is uncertain as to when the Appeal would be decided. In this view of the matter, I am inclined to allow this application. However, as submitted by learned APP, some condition can be imposed to ensure his attendance.

8. Hence, the following order :

ORDER

- (i) The condition No.(iii) in the operative part of the order dated 11/03/2020 in Criminal Application No.1/2020 in Appeal No.127 of 2020 stands deleted as far the present Applicant is concerned.
- (ii) The Applicant shall report to the office of the investigating agency once in three months.
- (iii) The application is disposed of.

(SARANG V. KOTWAL, J.)