

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

Interim Application No.3323 of 2024

In

Anticipatory Bail Application No.960 of 2022

Kirti Vishwanath Kedia

Age: 58 Years, Occupation: Business

C-302, Waterford Building, Juhu Lane,
above Navneet Motors, Andheri (West),
Mumbai-400 063.

... Applicant.

Vs.

1. Central Bureau of Investigation (EOB)
Plot No.C-35A, "G" Block, BKC,
Mumbai-400 098.

2. State of Maharashtra

Through Public Prosecutor

... Respondents.

With

Interim Application No.3359 of 2024

In

Anticipatory Bail Application No.959 of 2022

Kirti Vishwanath Kedia

Age: 58 Years, Occupation: Business

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1. Central Bureau of Investigation (EOB)
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Mumbai-400 098.

2. State of Maharashtra

Through Public Prosecutor

... Respondents.

Dr Sujay Kantawala, along with Mr Jeffrey Caleb, Mr Harsh Gangurde and Ms Aishwarya Kantawala, i/by Anukul Seth, for the applicant.

Mr Kuldeep Patil, for respondent No.1/CBI.

Mr MG Patil, APP, for respondent No.2/State.

Coram: R.N. Laddha, J.

Date: 11 September 2024.

P.C.:

The applicant, an accused in CBI Special Case Nos.1638 of 2021 and 1643 of 2021, was granted pre-arrest bail by this Court on 21 December 2022. While the Court secured the applicant's liberty, it imposed certain conditions, which the applicant now, *inter alia*, seeks to delete in the present application. The relevant conditions are reproduced below:

“(c) The Applicants shall surrender their passports, if any, before the Investigating Officer within a period of one week of their release.

(d) Applicants shall not leave the country without prior permission of the Special CBI Court.”

2. Heard Dr Sujay Kantawala, the learned Counsel appearing on behalf of the applicant; Mr Kuldeep Patil, the learned Counsel representing respondent No.1/CBI; and Mr MG Patil, the learned

Additional Public Prosecutor appearing for respondent No.2/ State.

3. At the outset, Mr Kantawala submits that today, the applicant restricts his prayer only to permit him to travel to the United Arab Emirates to attend business meetings from 12 September 2024 to 22 September 2024 during the pendency of this application. The applicant has travelled overseas 11 times after being granted pre-arrest bail and obtaining permission from the court and consistently complied with the court's orders by returning to India after each trip. The applicant's travel will not cause any harm or prejudice to the prosecution.

4. Mr Kuldeep Patil, the learned Counsel representing respondent No.1/CBI, opposes the applicant's request for travel, citing the gravity of the offence. Mr MG Patil, the learned Additional Public Prosecution representing respondent No.2/State, submits that if the applicant is allowed to travel abroad, suitable conditions may be imposed.

5. Upon review of the records, it is evident that after the grant of anticipatory bail, the applicant was permitted to travel abroad on 11 occasions. On each occasion, the applicant adhered to the conditions imposed and returned to India. Given the peculiar facts of the case, the applicant is allowed to travel to the United Arab Emirates from 12 September 2024 to 22 September 2024 on the following conditions :

- (i) The applicant shall furnish an undertaking to the Registry of this Court that he will return to India during this period.
- (ii) The applicant shall submit his travel itinerary, details of intended stay, and contact information to the investigating officer.
- (iii) The investigating officer shall immediately return the passport to the applicant to enable him to travel and obtain necessary permissions.
- (iv) The applicant shall re-deposit his passport with the investigating officer within one week after his return.
- (v) The applicant must ensure that his absence would not hamper the trial and make appropriate arrangements.

6. List these matters for further consideration on **11 October 2024**. In the meantime, the respondents are at liberty to file reply affidavits. The same shall be filed within two weeks from today. Rejoinder, if any, shall be filed two weeks thereafter.

[R. N. Laddha, J.]