



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPP) NO. 1922/2023
AND
CRIMINAL APPLICATION (APPP) NO. 55/2024 IN
CRIMINAL APPLICATION (ABA) NO.857/2019

Nikunj s/o Ramakant Harlalka and others Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Pratik.J. Mehta, counsel for applicants.
Ms. Trupti Udeshi, APP for the non-applicant/State.
Mr. S.V. Sirpurkar, counsel (Assist to Prosecution)/Ori. Complainant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/01/2024.

1. By this application, the applicant no.1 Nikunj s/o Ramakant Harlalka and Applicant No.3 Nishant Ramakant Harlalka are seeking permission to travel abroad i.e. Germany and Nepal respectively for the period from 12/02/2024 to 24/2/2024 and 01/02/2024 to 05/02/2024 respectively.

2. As per the contention of the applicant No.1, due to his business purpose, he has planed to visit to Germany (Munich) and Hungary (Budapest) as such he is travelling from India from 12/02/2024 to 24/04/2024 inclusive of both the days. He has also filed on record the flight tickets travel from India to Munich (Germany) dated 12/02/2024 and returned flight ticket for travel from Budapest (Hungary) to India (Mumbai) dated 24/02/2024. It is further submitted that applicants has cooperated with the investigating agency.

Initially also, he was permitted to travel abroad for his personal capacity as well as for the business purpose. He will abide by all the condition imposed by this Court.

3. The applicant No.3 also seeking permission to travel Nepal for attending the marriage of his brother-in-law at Kathmandu, Nepal i.e. on 01/02/2024 to 05/02/2024. Initially, he was also permitted to travel abroad and he has abide all the conditions imposed by this Court.

4. The learned APP strongly opposed the present application on the ground that though applicant was directed to surrender his passport, but after the purpose of Visa was completed, he has not surrendered his passport and therefore, the applications deserved to be rejected.

5. The learned counsel Mr. S.V. Sirpurkar also opposed the present application and submitted that if the applicants are permitted to travel abroad, they would not be available for trial and prays for rejection of the application.

6. Having heard both the parties and perused the applications. The present applications is supported with travel tickets as well as the place where they are going to reside during that period. As observed by the Hon'ble Supreme Court in the case of **Satish Chandra Verma V/s Union of India and others reported in 2019 SCC OnLine SC 2048**, wherein it is held that the right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by

extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship are humanities which can be rarely affected through refusal of freedom to go abroad and clearly show that this freedom is a genuine human right. Freedom to go abroad has much social value and represents the basic human right of great significance.

7. In the light of the above observation and in view of the fact that, the applicants possess immovable properties in Mumbai and other cities, I am of the opinion that both the applications needs to be allowed by imposing certain terms and conditions. Accordingly, criminal applications are allowed.

- a) The Criminal Application (APPP) No. 1922/2023 and Criminal Application (APPP) No. 55/2024 are allowed.
- b) The applicant no.1 is permitted to travel abroad i.e. from India (Mumbai) to Munich (Germany) from 12/2/2024 to 24/2/2024.
- c) The applicant no.3 is also permitted to travel abroad to attend the marriage ceremony from 01/02/2024 to 05/02/2024.
- d) The applicant Nos.1 and 3 shall submit their property details situated in Mumbai as well as other cities along with the documents.

- e) The applicant Nos. 1 and 3 shall furnish their respective addresses where they are going to stay and their phone numbers which they use at the respective places before proceeding to their respective destinations.
- f) The learned counsel for the applicants shall file an appropriate applications as far as the surrender of the passport is concerned.
- g) After returning from their journey, the applicant Nos. 1 to 3 shall surrender their passport.
- h) The criminal applications are **disposed of**.

[URMILA JOSHI-PHALKE, J.]