



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 338 OF 2025

Santosh Sitaram Venikar .. Petitioner

Versus

The State of Maharashtra .. Respondent

Shri Shrikant S. Kulkarni, Advocate for the Petitioner.
Mrs. Chaitali Choudhari-Kutti, A.P.P. for the Respondent/State.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 15TH MARCH, 2025.**

FINAL ORDER :

. Leave granted to correct the Exhibit No. 37 instead of Exhibit No. 97 in prayer clauses (B) and (C) of the petition. Amendment to be carried out forthwith.

2. Heard both sides finally at the admission stage.

3. I have already recorded exigency in the matter in my earlier order dated 13th March 2025. Learned A. P. P. was granted time to take instructions.

4. The petitioner is challenging order dated 10th March, 2025 passed below Exhibit 37 in R.C.C. No. 97 of 2022 rejecting application of the petitioner seeking permission to travel abroad. The petitioner is recipient of an award which is to be conferred on 16.03.2025 in Hong Kong. His passport is already renewed

subject to police verification. He has placed on record travel tickets also, which shows that he would be returning on 20.03.2025 to India.

5. Learned counsel Mr. Kulkarni for the petitioner submits that, the petitioner is Class I public servant working as a Registrar with Vasant Rao Naik Marathwada Agricultural University, Parbhani. The purpose of his travel is already disclosed and he has been granted permission vide Government Resolution dated 07.03.2025. Before the next date of the hearing in R.C.C. No. 97 of 2022, he will be returning. It is further submitted that, considering nature of allegations and the status of the criminal proceedings, he is entitled to receive permission to travel abroad. Learned Judge committed an error of jurisdiction in rejecting his application only on the ground that he was absconding from 2018 to 2022. It is submitted that the petitioner has observed the conditions imposed while enlarging him on bail. He is ready to abide by any condition to ensure his return to India.

6. Mrs. Kutti, learned Assistant Public Prosecutor on instructions submits that the petitioner is involved in serious offence. He is not punctual in attending the police station which is condition imposed vide order dated 31.08.2023. My attention is invited to the Government Resolution dated 07th March 2025 to buttress the submission that unless there is permission from Agricultural University or permission by the competent authority under Foreign Contribution Regulation Act, 2010, it is

not permissible for the petitioner to undertake any travel. The petitioner has failed to comply the formalities and, therefore, it is not possible for him to travel. It is further submitted that renewed passport has not been placed on record. She would pray to dismiss the writ petition.

7. I have considered rival submissions of the parties. The petitioner is one of the accused in R.C.C. No. 97 of 2022, which is pending before the Judicial Magistrate First Class, Naigaon, Dist. Nanded. After his arrest in the year 2022, a supplementary charge sheet was filed. The offence bearing Cr. No. 109/2018 was registered on 19.07.2018. He was enlarged on bail vide order dated 16.09.2022 and, thereafter conditions were relaxed vide orders dated 02.01.2023 and 31.08.2023. He is expected to report the police station on first day of the month until further orders. In such a situation he is praying for permission to travel abroad vide his application Exhibit 37.

8. There is no dispute that the petitioner is Registrar of Vasantrao Naik Marathwada Agricultural University, Parbhani. He is Class I officer. No criminal antecedents against him have been pointed out. He is recipient of Lokmat Global Professional Excellence Award 2025. Being public servant, he appears to have undertaken the formalities. In pursuance of that Government Resolution dated 07th March, 2025 was issued. In Clause No. 2 of the G. R., it has been specifically mentioned that he is permitted to travel abroad during 16.03.2025 to 21.03.2025, albeit, at his own expenses. I find that the renewal of his

passport has also been done subject to police verification.

9. It transpires from the record that next date in R.C.C. No. 97 of 2022 is kept on 24.03.2025. He has to undertaken return journey on 20.03.2025. There is no possibility of hampering of trial. The objection of the learned A. P. P. by pointing out Clause Nos. 3 and 4 of the G. R. dated 07.03.2025 has no merit. That was not the reason for rejecting the application Exhibit 37. If the petitioner is otherwise not eligible to undertake travel, the competent authority would deal with it. I am concerned with the permission of the competent Court, which is seized with the criminal case against the petitioner.

10. If the petitioner is not punctual in attending the police station as directed vide order dated 31.08.2023, then the Investigating Officer can bring it to the notice of the trial Court. Merely because the petitioner was not arrested from 2018 to 2022 cannot be a ground to reject the application Exhibit 37.

11. Considering the fact that the petitioner is a public servant, proceedings are not likely to be hampered and there is nothing on record to suggest that the petitioner is not likely to return. I am of the considered view that he is entitled to the permission on certain conditions. I, therefore, pass following order.

O R D E R

(i) The criminal writ petition is partly allowed.

(ii) The impugned order dated 10.03.2025 passed below Exhibit 37 in R.C.C. No. 97 of 2022 by the learned Judicial Magistrate First Class, Naigaon, Dist. Nanded is quashed and set aside.

(iii) The application Exhibit 37 stands allowed to the extent that the petitioner is granted permission to travel to Hong Kong to attend Lokmat Global Professional Award 2025 function by undertaking the travel from 16.03.2025 to 20.03.2025 on following conditions.

- (a) The petitioner shall furnish solvent surety of Rs. 50,000/- (Rs. Fifty thousands only) before the Trial Court.
 - (b) The petitioner shall immediately report the concern police station after his return and he shall attend the next date of hearing i. e. 24.03.2025 before the Trial Court.
 - (c) He shall not postpone or modify his return journey.
- (iv) The criminal writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

bsb/March 25