

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

CRIMINAL WRIT PETITION NO. 2387 OF 2025

**ANAND
SUDHAKAR
SUDAME**

1. Hem Prabhakar Shah .. Petitioner
Age : 55 Years, Occupation : Business
Blk 749, Pasir, Ris Street 71, #02-62,
Singapore, 510749

Digitally signed
by ANAND
SUDHAKAR
SUDAME
Date: 2025.08.26
15:16:59 +0530

Currently residing at :
No. 10, Pooja Apartment,
Opposite Samarpan Flats,
Gulbai Tekra, Ahmedabad
Pin Code : 380006.

Versus

1. State of Maharashtra .. Respondents
Through Azad Maidan Police Station
2. Bureau of Immigration
Ministry of Home Affairs
Through the Immigration Officer
Government of India, East Block
VII, Level – V, Sector – 1, R. K. Puram
New Delhi – 110066

and its Mumbai address at :
Chatrapati Shivaji Maharaj
International Airport 400 099

Mr. Kushal Mor a/w. Mr. Marmik Shah, Ms. Aditi Rao, Advocates, for
the Petitioner in Cri. W. P. No. 2387 of 2025 and for the Applicant in
I. A. No. 1975 of 2025

Mr. S. V. Gavand, APP, for Respondent No. 1 - State

PRONOUNCED ON : 26th August, 2025

2. The Petitioner has filed the present Petition seeking the following reliefs :-

“(i) That this Hon’ble Court issue a Writ of mandamus and/or any other appropriate writ, order or direction and thereby be pleased to quash and set aside the LOC issued against the Petitioner at the instance of Respondent No. 1;

(ii) That this Hon'ble Court issue a Writ of mandamus and/or any other appropriate writ, order or direction to the Respondent No. 1 to forthwith release of the passports and OCI Card, which has been seized by the Respondent No. 1;

(iii) That pending the final hearing/disposal of the Petition, the Respondent No. 1 be directed to hand over the passports of the Petitioner in order to enable the Petitioner to obtain his renewed passport from the office of the Singapore Consul General in Mumbai;

(iv) That pending the final hearing/disposal of the Petition, the LOC issued against the Petitioner be suspended and the Petitioner be allowed to travel abroad such terms and conditions as this Hon'ble Court may deem fit and proper."

3. The facts in a nutshell are as follows:

(i) The Petitioner is a Citizen of Singapore, holding Singapore Passport Nos. K1656737D and E1365594B. He also holds an OCI Card bearing No. A1382867. The Petitioner had certain commercial transactions with M/s. A. P. Trading. Allegations of fraud were made by M/s. A. P. Trading in connection with those transactions, pursuant to which the Petitioner was arraigned as an Accused in FIR No. 225 of 2019 under Section 420 read with Section 34 of the Indian Penal Code, 1860. The Petitioner is named as a Co-accused along with five others.

(ii) It is the Petitioner's case that an 'A' Summary Report was filed in connection with the said FIR, bearing Misc. Case No. 943 of 2020. By Order dated 16th June, 2020, the learned Metropolitan Magistrate, 64th Court, Esplanade, Mumbai, recorded his satisfaction and granted the 'A' Summary.

(iii) On 13th August, 2024, the Petitioner was arrested at Sardar Vallabhbhai Patel International Airport, Ahmedabad, Gujarat, on the basis of a Lookout Circular dated 12th December 2019 (LOC) issued by Respondent No. 2 at the instance of Respondent No. 1. The LOC, initially valid for one year, has been periodically renewed by Respondent No. 2 and continues to remain in force.

(iv) Upon his arrest, the Petitioner's passport, OCI Card, and mobile phone were seized by Respondent No. 1.

(v) On 21st August, 2024, the Petitioner filed Criminal Writ Petition (St.) No. 17757 of 2024, *inter alia*, seeking a Writ of Habeas Corpus against his arrest. By Order dated 5th September, 2024, this Court held that the Petitioner's arrest was illegal and that the Orders remanding him to judicial custody were also illegal. However, the Court did not stay the investigation, which was one of the prayers in the said Petition.

(vi) In 2024, the Petitioner filed C.C. No. 3778/Misc/2024, *inter alia*, seeking return of his belongings and permission to travel abroad. The learned Magistrate, as well as the learned Additional Sessions Judge, rejected this Application. The Petitioner challenged the rejection before this Court in Writ Petition No. 587 of 2025 before a learned Single Judge. The Petition was withdrawn on 8th April, 2025 with liberty to the Petitioner to seek appropriate

legal remedies available in law. Hence, the present Petition.

(vii) It is the Petitioner's case that he has fully co-operated with the investigation. He has submitted all documents and has appeared before Respondent No. 1 whenever called upon. His arrest has already been declared illegal by this Court. His personal liberty is impacted. His family and business are in Singapore. The LOC adversely affects them as well by restricting his travel and confining him to India. The FIR dates back to 2019 and the case remains at the investigation stage, with no likelihood of the trial commencing in the near future. It is in this backdrop that the present Petition has been filed seeking the reliefs referred to above.

4. Mr. Gavand, learned APP for Respondent No. 1, opposed the Petition initially on the ground that if the Petitioner is permitted to travel abroad or if the LOC is quashed, it would be impossible to secure his presence in India. This will hamper the investigation and subsequent trial. He submitted that the allegations in the FIR are of a serious nature. The FIR records that Mrs. Dalal, wife of the Petitioner, is a beneficiary of certain remittances arising from the transaction between the Petitioner and the Complainant. According to the Complainant, the Petitioner cheated him of approximately ₹ 3.5 crores.

Acting as an agent, the Petitioner induced the Complainant to enter into a contract for supply of copper and brass scrap by furnishing false information. The Petitioner, along with Companies P. T. Sinar and P. T. Putra (arraigned as Co-accused), misrepresented the quality and quantity of the goods and substituted them with Cement bags. The Petitioner is also alleged to have received commission from the other Accused while cheating the Complainant. On these grounds, it was submitted that the reliefs sought in the Petition ought not to be granted. In response to the Court's query regarding the likely conclusion of the investigation, Mr. Gavand was unable to provide any indicative time-frame, as the other Co-accused are not presently in India. In rejoinder, Mr. Mor reiterated that the Petitioner cannot be held hostage under the pretext of a pending investigation, and submitted that issues on merits would fall for consideration at the stage of trial.

5. We had heard the learned Counsels at length on 22nd July, 2025. At the conclusion of the arguments, the Petitioner volunteered to file an Affidavit and undertaking before this Court to secure his presence for the purpose of investigation and trial. The matter was adjourned to 31st July, 2025.

6. On 31st July, 2025, the Petitioner filed an Affidavit providing several undertakings along with necessary supporting documents. On 31st July, 2025, this Court granted time to the learned APP to examine the Affidavit and verify its contents to the satisfaction of the IO. The Affidavit was taken on record and marked at (“**X-1**”) for identification.

7. The matter was heard on 12th August, 2025, wherein Mr. Gavand submitted that the IO has verified the contents of the said Affidavit and carried out the necessary due diligence to confirm its contents. He submitted that the IO is satisfied with the necessary assurances and the security, that has been furnished in the Affidavit.

8. We have perused the said Affidavit (X-1). The undertakings contained in paragraphs 8 and 9 are quoted as follows :-

“8. In light of the above and as a precondition for me to back to my home country and for purpose of trial and to secure my presence, I am ready and willing to abide with the following conditions and furnish the following undertakings before this Hon’ble Court:

A. I undertake to deposit an amount of INR 7,50,000/- (Rupees Seven Lakh Fifty Thousand Only) with the Registrar of this Hon’ble Court as security. This amount shall be deposited by

way of a demand draft drawn in favour of “The Registrar, High Court, Bombay,” or through such other mode of payment as may be permitted by the Registry.

B. I am submitting the original title deed of the property belonging to Jignesh Patel, my cousin brother-in-law, situated at 123, Rupgadh Village, Taluka – Bavla, District Ahmedabad – 382240 with the registry of this Hon’ble Court. The current market value of the property is approximately 80,00,000 (Rupees Eighty lakhs). The copy of the title deed of the said property is annexed herewith as “**Annexure A**”. The owner of the property has duly furnished his undertaking in respect of the deposit of the original title deed of the above-mentioned property and the same is annexed herewith as “**Annexure B**”.

C. The details of my residential address in Singapore as follows : Blk 749, Pasir Ris Street 71, #02-62, Singapore, 510749. Local phone number of my residence in Singapore is : +65-65811073. A copy of my Identity card issued by the Republic of Singapore bearing number S6906148F issued on 6 January 2015 bearing the above mentioned address in Singapore is annexed hereto as “**Annexure C**”. A copy of the Electricity Bill of May, 2025, June 2025 and July 2025 bearing the above-mentioned address is also annexed herewith as “**Annexure D**”.

D. Further I am also furnishing the letter issued by Housing and Development Board (HDB) (Reference number – 8658-0315-0-15) with the details of the above mentioned flat which also evidences the flat owners/occupier as well as the authorised occupiers in the said flat who are my family members. A copy of the letter issued by HDB, Singapore is annexed hereto as “**Annexure E**”.

E. I undertake that I shall only reside at the address i.e. Blk 749, Pasir Ris Street 71, #02-62, Singapore, 510749 and shall change my address only in compliance of Clause G below.

F. I also undertake to appear and record my attendance before the officer of the Indian Embassy in Singapore having its address at 31 Grange Rd, Singapore, 239702 once in every 15 days, to ensure my availability and presence at all times.

G. I undertake to duly inform the Singapore Embassy in Mumbai and Azad Maidan Police Station of any change in the above-mentioned residential address and contact details at their email addresses i.e. singcon_bom@mfa.sg and ps.azadmaidan.mum@mahapolice.gov.in respectively within 72 hours of such change and also by way of intimation via post/courier.

H. I am also furnishing the details of my relatives who reside in India i.e. their relationship with me, current residential address and contact details-

(i) Bhagwandas Rasikhlal Dalal – Father-In-Law, Contact No : 9979902840, Address : No. 10 Pooja Apartment, Opp. Samarpan Flats, Gulbai Tekra, Ahmedabad 380006.

(ii) Rakesh Bhagwandas Dalal – Brother-In-Law, Contact No : 9824045769, Address : No. 10 Pooja Apartment, Opp. Samarpan Flats, Gulbai Tekra, Ahmedabad 380006.

(iii) Jignesh Patel – Cousin Brother-In-Law, Contact : 9898397100, Address : 596, Moto Vas, Opp. Parabdi Vas, Nava Vadaj, Ahmedabad City, Ahmedabad 3800013.

The identity proofs of Bhagwandas Rasikhlal Dalal, Jignesh Patel and Rakesh Bhagwandas Dalal is also annexed hereto as “Annexure F”.

I. I further undertake to appear before the Azad Maidan Police Station to mark my attendance twice with a gap of six months for one year, purely to show my bona-fide.

J. I undertake to remain present as and when directed by this Hon'ble Court or by the trial Court.

9. I state that all the above mentioned conditions may be treated as undertaking before this Hon'ble Court.”.

9. We note Mr. Gavand's submissions that the investigation has not progressed further as the Co-accused are outside India. In such circumstances, it is uncertain when the investigation may be completed or when the trial may commence. We also note that the IO is satisfied with the undertakings contained in the said Affidavit (X-1) to secure his presence as and when needed for investigation/trial. Having regard to these facts, we are satisfied that the Petitioner would suffer irreparable harm, if the LOC were to remain in force and he were restrained from travelling abroad.

10. The Petitioner is a Citizen of Singapore, where his family and business are based. The FIR, registered in 2019, is still at the stage of investigation. The Petitioner has been detained in India since 13th August, 2024 pursuant to the LOC. His arrest was declared as illegal by this Court on 5th

September, 2024. In his Affidavit dated 31st July, 2025, the Petitioner has affirmed that he has duly attended the police station whenever summoned by the Investigating Officer, including on nine occasions between 26th September, 2024 and 1st July, 2025. He has also furnished documents and information to the IO, as recorded in his letters dated 26th September, 2024, 10th March, 2025, 9th April, 2025, 14th June, 2025, 17th June, 2025, and 9th July, 2025. This is not disputed by the Respondents. Respondent No. 1 has not alleged any lack of co-operation on his part during the course of investigation. We are therefore inclined to grant the reliefs sought, in view of the peculiar facts of the case and on the strength of the undertakings furnished by the Petitioner in his Affidavit dated 31st July, 2025. The statements made therein are accepted as undertakings to this Court.

11. In these circumstances, **the Petition is allowed** in terms of prayers (i) and (ii) as quoted above. Rule is made absolute in these terms. The articles referred to in prayer (ii) shall be released immediately upon deposit of the requisite monies and compliance with the conditions set out in the Affidavit dated 31st July, 2025.

12. Since **the Petition is allowed, the Interim Application No. 1975 of 2025** does not survive and **is disposed off** as being infructuous. Interim Application No. 13083 of 2025 is for intervention in the Writ Petition. In our view, the Complainant has no *locus* to intervene in this Petition. The same is rejected as not maintainable. There shall be no order as to costs.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]