

CRIMINAL WRIT PETITION NO.2931 OF 2025

Vijay Mani Menon ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

DATE : 20th MAY 2025
(VACATION COURT)

3) Present Petition seeks to quash and set aside the impugned Order dated 09/05/2025, in Miscellaneous Application No.76 of 2025, passed by the learned Additional Sessions Judge, Dindoshi, Mumbai thereby the said Misc. Application filed by the Petitioner seeking permission to travel abroad, has been rejected.

4) Mr.Badheka, the learned Senior Advocate for the Petitioner tendered the Affidavit-of-service, photocopies of the FIR, say filed the police to the said Misc. Application, Order dated 15/12/2021 passed by this Court in Interim Application No.1761 of 2021 in Suit No.144 of 2021 and the revised travel itinerary. The same are taken on record and marked at Exh. "X" (colly.).

5) Brief facts are that, the Petitioner has been arrayed as accused in an FIR bearing C.R. No.387 of 2023, dated 05/11/2023, registered with *Vanrai* police station for the offence punishable under Sections 120-B, 406, 420, 447, 448, 463, 464, 465, 467, 468, 471, 504, 506 read with Section 34 of the Indian Penal Code.

5.1) The Petitioner has been granted an anticipatory bail in the said crime *vide* Order dated 15/01/2024, in Anticipatory Bail Application No.1905 of 2023, passed by the said Additional Sessions Judge, Dindoshi, Mumbai. One of the conditions for the bail is that, the Petitioner shall not leave India without prior permission of the Court, i.e., Trial Court.

6) The Petitioner wants to travel to the United States of America ('USA') along with his family members to attend a family function at the house of his brother-in-law namely Mr. Vijay Shastri, who has been residing there. Therefore, the Petitioner filed the said Misc. Application No.76 of 2025 before the trial Court to permit him to travel to the USA from 18/05/2025 and return from New York to Nagpur on 06/06/2025.

7) The prosecution case is that the first informant-Respondent No.2 is a teacher and is residing in Hyderabad, Telangana. Respondent No.2 filed a private complaint in the Court of the Metropolitan Magistrate, 17th Court, Borivali, Mumbai alleging that she is the owner of Flat No. B-2201, Lodha Florenza, Goregaon (East), Mumbai. According to Respondent No.2, she had purchased the disputed flat for Rs.2,20,28,922/- from M/s. Lodha Developers. After receipt of the entire consideration, M/s. Lodha Developers gave the possession letter of the disputed flat to Respondent No.2. According to the Respondent No.2, since 1997, the Petitioner was serving in the company of her father. She alleged that the Petitioner obtained her signatures on some blank papers and misused the same to obtain and grab the disputed flat. Respondent No.2 alleged that the Petitioner and one Ramesh Nair in collusion with each other prepared the forged documents of the said flat and obtain its keys from her. In the said transaction, Ramesh Nair acted as her cousin brother. The Petitioner repaid the loan amount taken by her from the Corporation Bank and received the original title deeds from the said bank. According to Respondent No.2, on the basis of a forged and fabricated Power of Attorney/Agreement for Sale, the Petitioner had issued a notice to Respondent No.2 on 30.01.2021 to execute the Sale Deed of the disputed flat.

8) The trial Court rejected the Misc. Application seeking permission to travel abroad for the reasons that the details of the family

functions were not provided in the Application; that, the Applicant is holding a visa, which is valid for 10 years; that, therefore, it cannot be said that the Petitioner would return to India on the given date and he would co-operate in the investigation, and that, the charge-sheet is yet to be filed.

9) Mr.Badekha, the learned Senior Counsel submitted that before registration of the said crime, Applicant had filed the said Suit No.144 of 2021, seeking specific performance of the contract. The present crime is nothing but a counter blast to the said suit. While granting anticipatory bail to the Applicant, the Sessions Court observed that the documents referred by the said Court clearly indicated that the dispute in between Petitioner and Respondent No.2 is of Civil nature. Further, the said Court observed that Respondent No.2, to settle the dispute at the earliest, invoked the jurisdiction of the Court of the learned Metropolitan Magistrate who passed the Order under Section 156 (3) of Cr.P.C. pursuant to which the aforesaid crime was registered.

9.1) Mr. Badheka, the learned Senior Counsel stated that entire agreed consideration amount of Rs.2,20,28,922/- has been paid to Respondent No.2 including to discharge the relevant loan liability. Additionally, an amount of Rs.39,00,000/- was paid by the Petitioner to Respondent No.2 to get the relevant documents of the suit property. Mr. Badheka submitted that the Petitioner is running a school in Nagpur and has deep roots in the society. As such, the Petitioner is not likely to abscond nor he is a flight risk. The say filed by the police to said

Misc. Application indicates that the Petitioner was called by the police for the purpose of investigation on 4 dates, by serving him the notices in advance. The Petitioner attended before the police for the investigation. It is not the case that the Petitioner has been avoiding to co-operate with the investigation. The trial Court noted that the Petitioner filed the Criminal Application No.841 of 2024 and sought for quashing of the said FIR, therein this Court passed an Order that the investigation in the crime to continue and the Investigation Agency shall not charge-sheet without prior leave of this Court. Mr. Badheka states that the said Petition is still pending.

10) In view thereof and considering the nature of the alleged offences, there is no hurdle to permit the Petitioner to travel abroad, i.e., the United State of America ('USA') from 23/05/2025 to 18/06/2025, on following the terms and conditions.

- (i) The Petitioner is directed to provide to the Senior PI of *Vanrai* Police Station, Mumbai all the details of the place/s where he would stay and contact details at which he can be contacted during his stay abroad.
- (ii) The Petitioner shall report the concerned Police Station on the next day of his return to India.
- (iii) The Petitioner shall deposit an amount of Rs.2,00,000/- (Rs. Two Lakhs only) as security for traveling abroad. The said cash security to be deposited in the Trial Court.
- (iv) The Petitioner shall furnish the contact number of his brother in

law- Mr.Vijay Shastri to the concerned police station to facilitate contact with the Petitioner, if the need arises.

- (v) After his return, the Petitioner shall report to the Investigating Officer/Vanrai Police Station on 19/06/2025 and file an Affidavit to that effect with the Registry within a period of one week thereafter.
 - (vi) The security amount be refunded to the Petitioner, after his return from abroad.
 - (vi) Parties to act on the authenticated copy of this Order.
- 11) Writ Petition stands disposed of.

(SHYAM C. CHANDAK, J.)