

Prasad Rajput

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 692 OF 2025

IN

CRIMINAL BAIL APPLICATION NO. 2350 OF 2024

Dheeraj Wadhawan

.. Applicant

Versus

Directorate of Enforcement and Anr.

.. Respondents

WITH

INTERIM APPLICATION NO. 720 OF 2025

IN

CRIMINAL BAIL APPLICATION NO. 2347 OF 2024

Kapil Wadhawan

.. Applicant

Versus

Directorate of Enforcement and Anr.

.. Respondents

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- Ms. Urvi Gupte, Advocate for Applicants in both Applications.
- Mr. Hiten S. Venegavkar a/w Mr. Ayush Kedia and Ms. Deepika B., for Respondents.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 21, 2025

P. C.:

1. Heard Ms. Gupte, learned Advocate for Applicant and Mr. Kedia, learned Advocate for Respondent-ED.

2. Applications are filed for modification of condition No. '(v)' in paragraph No.26 of the judgment dated 12th February, 2025, copy of which is appended as Exhibit-A to the Application. Said condition appears on page No.38 of the Application.

3. Ms. Gupte, learned Advocate for Applicants would submit that the said condition is onerous *prima facie* in view of the fact that Applicants are regularly required to travel for Court proceedings to several other states as also they are required to travel outside Maharashtra for business, medical issues and other exigencies. She would submit that considering the business of Applicants and multiple litigations faced by them the said condition be deleted and / or modified accordingly.

4. Mr. Venegavkar and Mr. Kedia, learned Advocates for Respondents would submit that Court may consider the grounds in the Applications appropriately if the said condition is to be modified while protecting the interest of the prosecution so that prosecution is kept in the knowhow and whereabouts of the Applicants are known whenever they travel outside Maharashtra. Stand adopted by Respondents is fair as in today's times if a person has to travel repeatedly at short notice seeking recurring permission from the trial Court would become cumbersome for both parties.

5. I have perused the grounds stated in the Application. In view of the above and submissions made by the learned Advocate for Applicants, condition No. (v) in paragraph No.25 stands deleted and it shall be substituted by the following condition:

“(v) If the Applicants are required to leave the State of Maharashtra for any reason, they shall inform the Investigating Officer the details of their travel, destination and reason for travelling outside the State of Maharashtra including their date of return, until the completion of trial. It is clarified that if they have to travel in any exigency then details of travel shall be informed to the Investigating Officer even after the date of their travel within a reasonable period with all other relevant details.”

6. It is directed that the aforesaid condition shall stand substituted in place of the original condition No.(v) and a corrected copy of the judgment dated 12th February, 2025 shall be uploaded afresh.

7. In view of the above, both Applications are allowed and disposed.