

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 728 OF 2025

IN

BAIL APPLICATION NO. 2494 OF 2024

Naresh Goyal

.. Applicant

Versus

Directorate of Enforcement & Anr.

.. Respondents

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- Mr. Abad Ponda, Sr. Advocate a/w Mr. Ameet Naik, Mr. Abhishek Kale, Mr. Aditya Ajgaonkar, Mr. Harish Khedkar, Nevil Chopra and Ms. Antara Kulkarni i/by Naik Naik & Co for Applicant
- Mr. Hiten Venegaonkar, PP for Respondent No. 1
- Mr. Rushikesh M. Pethe, APP for Respondent No. 2 - State

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 13, 2025

P. C.:

1. Heard Mr. Ponda, learned Senior Advocate for Applicant, Mr. Venegaonkar, learned PP for Respondent No. 1 and Mr. Pethe, learned Advocate for Respondent No. 2 - State.

2. Present Interim Application seeks modification / cancellation of condition No. 34(iii) of the order dated 06.05.2024. The reason given is that Applicant is suffering from cancer and he intends to travel to Delhi and outside Mumbai to other places for medical treatment. Order dated 06.05.2024 is appended at page Nos. 12-30 of the Interim Application. Condition No. 34(iii) reads thus:-

"(iii) The Applicant shall remain within the jurisdiction of the PMLA Court i.e. Greater Mumbai, and shall not leave the area without prior permission of the PMLA Court."

3. Perusal of the Interim Application shows that Applicant is 76 years old and he is suffering from long threatening medical condition of nuero-endocrine tumor and several other medical ailments. In the light of his health condition, this Court duly granted bail to the Applicant. According to the Applicant, he desires to treat himself and address his ongoing and critical medical needs and desires to consult Oncologists, Surgeons and Doctors outside Mumbai namely in Sir Ganga Ram Hospital and Apollo Cancer Institutes.

4. The condition of which deletion is sought for is *prima facie* therefore onerous which would require the Applicant to repeatedly seek prior permission of the PMLA Court if he is required to travel outside Greater Mumbai. I have perused the order of granting bail passed by this Court. In view of the grounds made out in the present Application and the submissions made by learned Advocate for Applicant, present Interim Application in my opinion deserves to be allowed with appropriate directions.

5. Mr. Venegaonkar, learned Public Prosecutor would submit that considering the indictment of Applicant in the crime in question, the only anxiety is that if he is allowed to travel outside city of Mumbai he

would probably impair proceedings in the Trial as also he would be a flight risk. That can undoubtedly addressed by imposing restrictions and conditions.

6. I have considered the submissions and grounds in the Application. *Prima facie*, it is seen that any condition while granting bail ought not to be onerous to such an extent that it would defeat the purpose of granting bail. The ethos and essence of bail has been laid down as far back as in the year 1923 in the case of ***Nagendra Nath Chakrabarthi Vs. King-Emperor***¹ by the Calcutta High Court wherein it has been stated that the real purpose of granting bail is to ensure and secure presence of Applicant for conduct of trial before Trial Court and if that purpose is seen to be served then in that case bail should be granted.

7. Considering the deep roots of Applicant in the Society and his precarious health condition, the Application made before the Court and the grounds stated therein deserve consideration. In today's time jurisdictional territorial borders either of the country or international borders are such that parties are required to travel consistently either for their future prospects or other related purposes or for treatment.

8. Here is the case of Applicant before me who is a businessman in the Aviation Industry and to impose the subject condition on him to

1 1923 SCC OnLine Cal 318.

repeatedly come before the Trial Court and seek permission to travel outside the territorial jurisdiction of the city of Mumbai is on the face of record onerous especially due to his medical ailment and the reasons stated in the Application. It not only entails delay for the Applicant but considering the present exigency in the legal system, it would involve substantial delay each time for approaching the Court of law for seeking permission for appointing Advocates, placing the Application on board and for hearing and deciding the said Application by which time the real essence and purpose for which the Applicant desires to travel may sometimes be lost. Here the ground made out by the Application is for medical reasons which are *prima facie* true.

9. In view of my above observations and also ensuring that the concern expressed by Mr. Venegaonkar, learned Public Prosecutor is taken care of, the condition No. (iii) in paragraph No. 34 stands deleted in the order dated 06.05.2024. Rest of the order remains as it is.

10. However, it is directed that Applicant shall always intimate the details of his travel itinerary and all such details to the concerned Investigating Officer of Directorate of Enforcement as and when he travels out of Mumbai and in case he travels in an exigency he shall ensure that the said details are conveyed to the concerned

Investigating Officer of Directorate of Enforcement immediately after he undertakes the travel within 2 days of his travel and he shall also inform the details of his return and stay outside Mumbai.

11. Needless to state that if Applicant desires to travel abroad he shall take permission of the Trial Court for such travel, and in the event if any such Application is made to the Trial Court, the Trial Court shall without delay determine such Application expeditiously in accordance with law.

12. In terms of above directions, Interim Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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