

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANAND
SUDHAKAR
SUDAME

INTERIM APPLICATION NO. 2435 OF 2025
IN
CRIMINAL APPEAL NO. 140 OF 2023

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ANAND SUDHAKAR
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Date: 2025.07.19
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Jagdishprasad Mohanlal Joshi
@ JM Joshi

.Applicant

Versus

The Union of India
(Through Central Bureau of Investigation
Special Crimes – 111, New Delhi) and Ors.

.Respondent

Mr. Aabad Ponda, Senior Advocate a/w. Ms. Sanskruti Hawde i/b.
Parinam Law Associates, for the Applicant
Mr. Pradeep D. Gharat, Special Public Prosecutor, CBI
Ms. S. E. Phad, APP, for the Respondent – State
Mr. A. D. Kamble HC, B. No. 903 present

CORAM : S. M. MODAK, J.

DATE : 16.07.2025

P. C.

1. Heard Mr. Ponda, learned Senior Advocate for the Applicant and Mr. Gharat, learned Special Public Prosecutor for the Union of India – CBI.
2. It is true that the matter has come up on board on 09.07.2025, 11.07.2025, 15.07.2025 and today, it is fixed. Though

the investigating officer was intimated about filing of this Interim Application, the Special Public Prosecutor has appeared in the matter but he has not received necessary instructions. It is their choice. Earlier travel plan of the Applicant was from 15.07.2025 to 10.08.2025. As the Application could not be decided, now he has changed his travel plan and an Affidavit tendered across the bar is taken on record and marked as “X” for the purpose of identification. From 22.07.2025 to 20.08.2025, the Applicant intends to travel to Nepal, Vietnam and UAE. The details and purpose of business visit are mentioned in that Affidavit. So also letters from foreign Companies are annexed to the Application from page Nos. 295 to 297.

3. The Applicant contends that he wants to visit to Nepal, Vietnam and UAE for two reasons :-

- (a) to meet his daughter who is resident of UAE and
- (b) to visit the aforesaid three countries for the business purpose.

4. It is true that there is a conviction for the offences punishable under Sections 344, 363 & 368 r/w. 120B of the Indian Penal Code, 1860 along with other Accused persons. There is also a conviction for the offences punishable under Sections 3(1)(ii), 3(2) & 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short “MCOCA”). The maximum sentence is ten years. The amount of fine is already deposited. The substantive sentence was suspended by this Court vide Order dated 10.07.2023 in a pending Appeal. This Court had put a condition of obtaining prior permission of the

trial Court prior to leaving India. There is also a condition of giving attendance to the CBI, BKC office, Mumbai on 1st Monday of every trimester between 3.00 to 5.00 p. m..

5. It is true that the right to travel abroad is recognized as a fundamental right. For want of instructions, Mr. Gharat is unable to address the Court in respect of breach of the conditions, if any and other aspect. He submitted that the Applicant may be asked to deposit certain amount in order to secure his presence in future. It is very well true that his presence is to be secured but it is difficult to quantify the amount. However, the Applicant can be asked to give the details of his immovable properties by way of an Affidavit prior to leaving India. Hence, the Order.

O R D E R

- (i) The Application is allowed.
- (ii) The Applicant is permitted to leave India for the period from 22.07.2025 to 20.08.2025 **subject to following conditions :-**
 - (a) The Applicant is directed to handover his mobile number to the investigating officer.
 - (b) The Applicant is directed to furnish the details of his immovable properties located in State of Maharashtra which are owned by him to the investigating officer.
 - (c) After return from Nepal, Vietnam and UAE, he is directed to continue with the attendance condition as ordered.
 - (d) It is submitted that the passport is deposited with the Special Court. Believing this submission, the Special Court is directed

to handover the passport to the Applicant for those period.
After return from Nepal, Vietnam and UAE, he is directed to handover the passport to the Special Court.

- (e) In future, the Applicant is at liberty to agitate the issue of possession of passport before the appropriate forum.
- (f) The Interim Application stands disposed of.
- (g) These directions are given by presuming the passport is in force.

(S. M. MODAK, J.)