

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1513 OF 2024

Jayesh Paramanand Khandwala

... Applicant

Versus.

Central Bureau of Investigation & Anr.

... Respondents

Mr. Niranjan Mundargi, a/w Mr. Keval Mehta and Mr. Kandarp Trivedi, learned Advocates for the Applicant.

Mr. Kuldeep Patil a/w Saili Dhuru, learned Advocates for the Respondent No. 1.

Mr. Sukanta Karmakar, learned APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 27th FEBRUARY, 2026.

P.C. :

1. Heard Mr. Niranjan Mundargi, learned Advocate for the Applicant, Mr. Kuldeep Patil, Special Counsel for the Respondent No. 1, and Mr. Sukanta Karmakar, learned APP for Respondent – State.

2. By this Application filed under Section 482 of the Cr. PC (now 528 of BNSS), the Applicant has sought the relief specified in prayer clause (a):

(a) call for the papers and proceedings of the order passed on Exhibit No. 301 in the CBI Special Case No. 47 of 2007 and after perusing the same, quash and set aside the condition no. (4) imposed upon the Applicant vide order dated May 9, 2024 which directs the Applicant to submit its passport to Respondent No.1; in the peculiar facts and circumstances of the present case and in the interest of justice;

3. The material facts relevant to the adjudication of this application are as follows:

a. The Applicant is named as Accused No. 36 in CBI Special Case No. 47 of 2007 and CBI Special Case No. 74 of 2014 (both cases are hereinafter referred to as “*CBI case*”), pending before the Special CBI Court at Sessions Court, Greater Mumbai, Mumbai (“*CBI Court*”) regarding offences punishable under Sections 420, 467, 468, 471, r/w. 120B of the Indian Penal Code, 1860, and Section 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, as well as 68-A of the Companies Act, 1956.

b. The Applicant was released on bail in the CBI case

by an order dated 19th November 2014, subject to the following conditions:

“ORDER

- 1. Application is allowed.*
- 2. Applicant Jayesh Paramand Khadwala is directed to be released on furnishing bail and P.R. of Rs.50,000/- with one or more sureties in the like amount.*
- 3. The applicant is directed not to leave India without getting permission from this Court.*
- 4. The applicant is directed not to engage in activity which can likely resulted into tampering with the evidence.*
- 5. The applicant is directed to cooperate during the trial.*
- 6. The applicant is further directed to assist opponent CBI in the investigation, if any.*
- 7. The applicant is further directed to inform this Court as well as opponent CBI the change of address, if any, during pendency of present trial.”*

c. Records in this application indicate that the Applicant requested permission to travel outside India (under bail condition no. 3) and was granted this permission by the following orders.

- a) *8th November, 2017 passed in CBI Special Case No. 74 of 2014 at Exhibit-183.*
- b) *Order dated 3rd April, 2018 in CBI Special Case No. 74 of 2014 at Exhibit-190.*
- c) *Order dated 15th July, 2019 in Misc. Applications No. 993/2019 in CBI Special Case No. 74 of 2014.*
- d) *Order dated 18th November, 2019 in Misc. Application No. 1837 of 2019 in CBI Special Case No. 74 of 2014.*
- e) *Order dated 29th September, 2022 in CBI Special Case No. 74 of 2014 @ 47 of 2007 at Exhibit-257.*
- f) *Order dated 24th April, 2023 passed in CBI Special Case No. 47 of 2007 at Exhibit-272.*
- g) *Order dated 9th August, 2023 passed in CBI Special Case No. 47 of 2007 at Exhibit-276.*

d. It would be appropriate to mention here an Order dated 18th July, 2024, passed by the CBI Court on Exhibit 315 in the CBI case, which imposed the following additional condition:-

“The applicant/accused is directed to attend the Embassy of India or its allied Offices at-least once during his stay in Switzerland and to request the Embassy of India to issue an attendance certificate in his favour. If such attendance certificate is issued, he may file the same in the Court after returning back to India.”

4. Aggrieved by the condition specified in the Order dated 18th July, 2024, the Applicant approached this Court through Criminal Application No. 924 of 2024. By order dated 30th July, 2024, this Court granted Criminal Application No. 924 of 2024. Paragraphs 7, 8, and 9 of the said Order read as follows:

7. Be that as it may. None of the orders previously passed since the year 2017, direction for marking mandatory attendance with the Embassy of India was incorporated. No special reasons are recorded by the learned Judge why this additional condition is necessary this time for permitting travel

abroad to Switzerland. It also appears that the Appellant has not violated any of the conditions imposed on him while permitting him to travel abroad and he has returned to India.

8. In that view of the matter, the condition for mandatory attendance at the Embassy of India in Switzerland need not be enforced.

9. Accordingly, condition No. 4 incorporated in the order dated 18 July 2024 shall stand deleted.

5. It appears that the Applicant's passport was set to expire in 2014. As a result, the Applicant applied to the Sessions Court through an application at Exhibit 14 in the CBI case, seeking an NOC to renew the passport.

6. Vide order dated 9th May, 2024, the Sessions Court, while granting the said application at Exhibit 14, imposed an additional condition (Condition No. 4), which reads as follows:

"4. The applicant/accused shall hand over the passport to the CBI after its renewal."

7. The Applicant challenges condition No.4 of the Order dated 9th May, 2024, and is therefore before this Court.

8. Mr. Niranjana Mundargi, learned Advocate for the Applicant,

submits that the Applicant needs to travel abroad frequently, and such travel is unplanned. He states that the Applicant has, on several occasions after being released from jail (vide Order dated 19th November 2014), traveled abroad and returned to India, pursuant to permission from the Court. He asserts that there are no allegations against the Applicant for breaching any of the bail conditions. He further submits that the Applicant has filed Criminal Writ Petition No. 1621 of 2022 challenging the proceedings of the CBI case. He mentions that this Court, by order dated 25th October 2023, has admitted the petition and granted interim relief in favor of the Applicant. He explains that in the CBI case, another accused (Accused No. 15), who is similarly situated to the Applicant, upon his release on bail by the Sessions Court, applied to renew his passport. Permission was granted to him, however, the condition no. 4, as imposed in the case of the Applicant, is not mentioned in the case of Accused No. 15. He refers to the said Order, which is on record from page 76 to 84 of the paper book. He states that there is no difference between the Applicant and Accused No. 15 regarding the renewal of the passport. Conversely, he argues that the Applicant is in a better

position, considering the Order dated 30th July 2024, passed by this Court. On instructions, he submits that if condition no. 4 is relaxed, the Applicant shall, before travelling abroad, provide details of his travel, including his stay, destination, and contact number, to the Investigation Officer or the Court. Upon return, the Applicant shall inform the Investigation Officer or the Court that he has returned to India. He asserts that the Applicant has family and roots in India. He states that condition No. 4 in the Order dated 9th May 2024, causes inconvenience and hardship to the Applicant. Therefore, he requests that the Application be granted.

9. Mr. Kuldeep Patil, Special Counsel for Respondent No. 1, submits that CBI filed a reply on 17th December 2025 (Page 87 to 96). Referring to paragraph no. 9 of the reply, he opposes the Applicant's request. However, Mr Kuldeep Patil fairly states that the Applicant has not breached either the bail conditions or the conditions under which he was allowed to travel abroad on the earlier occasions.

10. Mr. Sukanta Karmakar, the learned APP for the Respondent No.2 – State, submits that the matter is between the Applicant and

Respondent No. 1, and Respondent No. 2 is a formal party.

11. Arguments heard. Perused records with the assistance of learned Advocates.

12. From the facts stated above, the Applicant, who is accused in the CBI case, was released on bail under the conditions mentioned in the Order dated 19th November 2014. As submitted by Mr. Niranjana Mundargi and confirmed by Mr. Kuldeep Patil, the Applicant has neither violated any of the bail conditions nor the conditions permitting the Applicant to travel outside India.

13. Indisputably, the order dated 19th November 2014, passed in the CBI case, which released the Applicant on bail, did not impose any condition requiring the handover of the passport to the CBI. Such a condition was only added when the Applicant applied to the Court for an NOC to renew the passport. Mr. Niranjana Mundargi argues that there was no reason to impose such a condition.

14. Paragraph no. 9 of the reply relied upon by Mr. Kuldeep Patil

to oppose this application pertains to the merits of the CBI case. Mr Kuldeep Patil was unable to point out any circumstances or reasons in the reply that could justify the imposition of condition no. 4 to the Order dated 9th May, 2024, passed at Exhibit 14 in the CBI case. Respondent No. 1 does not claim that the Applicant's passport was invalid as of 19th November 2023, the day the Applicant was released on bail. There is no record that the Applicant has misused the liberty or has committed breach of Court Order by its non-compliance. Respondent No. 1 neither pointed out any breach of the bail conditions by the Applicant nor filed an application with the CBI Court for modification or addition to the bail conditions.

15. Pertinently, the Applicant is before this Court in Criminal Writ Petition No. 1621 of 2022, challenging the proceedings initiated by CBI against him. Mr Niranjana Mundargi submits that the contentions of Respondent No. 1 in their reply, which include contentions urged in para 9 opposing the present application, are identical to the contentions raised before this Court in opposition to Criminal Writ Petition No. 1621 of 2022. This Court, after

hearing the parties, has made the following observations in paragraph no. 4 and paragraphs No. 6 (a) and (b) of the order dated 25th October, 2023, passed in Criminal Writ Petition No. 1621 of 2022, which are transcribed below:

“4. My attention is invited to the charge-sheet, filed by CBI, wherein it is clearly expressed that no evidence has come on record as far as Jayesh Khandwala and Dushyant Dalal, the Petitioners before me, about any knowledge of forgery and other offences committed by Accused Nos. 1 to 3 and, hence, the CBI did not deem it appropriate to charge them for the offences under the IPC.

6. In such circumstances, I deem it appropriate to admit the Writ Petitions, as the Petitioners stand on parity with Jayesh Dadia and deserve similar treatment. At the same time, I must note that the Cri.Revision Application is pending since 2016 and the Petition filed by the Petitioner Dushyant Dalal, is also pending since 2017. It is, therefore, necessary that the Cri. Revision Application as well as the Writ Petitions, which I deem it appropriate to admit and protect the Petitioners, are heard at the earliest, atleast by the end of 2023. Hence the following order:

ORDER

(a) Admit.

(b) Interim relief in terms of prayer clause (c)

16. Mr. Niranjan Mundargi states that the interim relief, as per

prayer clause (c) in Criminal Writ Petition No. 1621 of 2022, reads as follows:

“(c) In the meantime, stay the further proceedings of the Special CBI Case No. 47 /2007 pending before the Special CBI Court at Sessions Court, at Greater Mumbai;”

17. Mr. Niranjan Mundargi states that the Criminal Writ Petition No. 1621 of 2022 is pending, and the interim order dated 25th October 2023 remains in effect.

18. Mr. Kuldeep Patil does not contest the position stated regarding relief under prayer clause (c) in Criminal Writ Petition No. 1621 of 2024.

19. Perusal of the Order dated 9th May, 2024, passed at Exhibit 14 in the CBI case does not indicate any special reasons for imposing the additional condition (Condition no. 4), more so at the stage when the Applicant was before the CBI Court seeking NOC for the renewal of the passport.

20. The condition set by the CBI Court on the Applicant through the order dated 18th July, 2024, in the CBI case, requiring the

Applicant to report to the Embassy of India in Switzerland during his stay in Switzerland, was eased by this Court through the order dated 30th July, 2024, passed in Criminal Application No. 924 of 2024 filed by the Applicant.

21. Considering the above facts and observations made by this Court, in the order dated 25th October, 2023, passed in Criminal Writ Petition No. 1621 of 2022, the Applicant has made out a case for indulgence.

22. Statement made by Mr. Niranjana Mundargi, based on the Applicant's instructions, that the Applicant shall, before travelling abroad, provide in writing details of his itinerary, such as air tickets (to and from), destination, stay abroad, and contact number abroad, to the Investigation Officer. Furthermore, Mr. Niranjana Mundargi stated that upon the Applicant's return, he shall inform the Investigation Officer of his arrival back in India. Said statements of Mr. Niranjana Mundargi are accepted as statements to the Court.

23. This Application is allowed on the following conditions:

ORDER

- A. Condition No. 4 (i.e. *“The applicant/accused shall hand over the passport to the CBI after its renewal”*) in the Order dated 9th May, 2024, passed by the Sessions Court on the application at Exhibit 14 in CBI case, is set aside.
- B. The Applicant shall, before travelling abroad, provide in writing details of his itinerary (destination, place of stay abroad, contact number abroad and air tickets (to and from), to the Respondent no.1 (Investigation Officer Central Bureau of Investigation) .
- C. The Applicant shall, upon his return to India, notify Respondent No. 1 (Investigation Officer, Central Bureau of Investigation) in writing within 48 hours of arriving in India.

24. Criminal Application No. 1513 of 2024 is disposed of.

(ASHWIN D. BHOBE, J.)

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