

[1]

MHPU01-008764-2011



Special Case No.18/2011

*Central Bureau of Investigation
Vs.
R.Balsubramaniam and others*

ORDER BELOW EXH.369

1] Applicant / accused **Medha Hemant Bavadekar** has filed this application seeking permission to travel USA and Canada and stay there from 1/5/2023 30/10/2023. She submitted that her son along with his wife and children is residing at U.S.A.. Her daughter-in-law is intending to come in India however due to school grandchildren of applicant / accused could not accompany her hence applicant / accused is required to go at USA to look after her grandchildren. Applicant / accused further submitted that her nephew is residing at Canada. Wife of nephew of applicant is suffering from serious health issues hence applicant / accused wants to travel to Canada after May 2023, stay with them for a month and thereafter return to her son. Previously also she traveled U.S.A. with permission of Court and returned within the time limits set for the visit. She is ready to abide by any condition impose upon her. As such applicant prayed to allow her to travel U.S.A. and Canada and stay there from 1/5/2023 to 30/10/2023.

2] CBI has filed say vide Exh.386. It is submitted that applicant / accused has already submitted that the trial is yet to be started and charges in the case are yet to be framed. At this

crucial stage, it is apprehended that if applicant / accused is allowed to go abroad for long period of six months, she may not come back to face the trial. Hence, application be rejected.

3] Heard learned advocate for applicant / accused. The case is for framing of charge. However, in the present case 9 accused persons are facing trial. Accused no.1 R. Balsubraniam and accused no.9 Vivek Gupta approached the Hon'ble High Court against the order of this Court below discharge applications and the matter is stayed by the Hon'ble High Court. As the case is stayed by the Hon'ble High Court there does not appear any possibility of proceeding the matter further in near future. As such the application filed by the applicant / accused can be taken into consideration.

4] Applicant / accused has filed on record copy of email sent by her daughter-in-law, address pursis of USA and Canada, index II of property owned by her husband. Considering the facts stated by the applicant / accused and allegations against her in the charge-sheet, I do not think there is chance to flee her from the court of justice. The applicant / accused has sought permission to travel abroad from 1st May, 2023 to 30th October, 2023, but the said period of six months is too long. The matter is of 2011 i.e. more than 10 years old and required to be expedited. However applicant orally submitted that if this Court thinks that her presence is necessary then she will return if 15 days prior intimation given to her. So also case is stayed by Hon'ble High Court. So in my considered opinion, at this stage, permission of travel to USA and Canada from 1st

[3]

May, 2023 to 30th October, 2023 can be granted to applicant. Earlier also applicant granted permission to travel USA and complied the conditions imposed upon her. Applicant is ready to abide by all the terms and conditions which may be imposed upon her. Therefore, it would be proper to allow the accused applicant to travel abroad. Hence, the order -

ORDER

- a] Applicant / accused **Medha Hemant Bavadekar** is permitted to travel to USA and Canada from **1st May, 2023 to 30th October, 2023**
- b] The order is subject to condition that accused shall furnish her email address, working mobile cell number and detailed address of her stay at USA and Canada during the aforesaid period. She shall give an undertaking that if her presence is required during the aforesaid period she shall come back on receipt of summons on her email address.
- c] Applicant / accused shall submit appearance report and copy of passport showing entries in respect of the schedule for which the permission is granted, after her arrival in India.

(A.S.Waghmare)
Special Judge (CBI-ACB cases)
Pune.

Date – 27/4/2023

[4]

I affirm that the contents of this P. D. F. file Order are same word for word as per original Order.

Name of the Court :- Shri. A. S. Waghmare
Special Judge, CBI, ACB,
Pune.

Name of the Steno :- Smt.B.R.Jakka
Stenographer (Grade-I)

Date of Order :- 27/4/2023

Order signed by
presiding officer :- 27/4/2023

Order uploaded on :- 27/4/2023