

[1]

O.B.E. 248 in Spl.Case No. 46/2017



Special Case No. 46/2017

CNR No. MHPU01-01012384-2017

CBI, ACB, Pune

Vs

Ajit Kamlakar Gokhale & others

ORDER BELOW EXH.248

Applicant/accused Ajit Kamlakar Gokhale has filed this application to grant extension for travel and he be permitted to travel/stay in Canada from 26/12/2023 to 31/3/2024.

2] It is submitted on behalf of applicant that the Hon'ble Court allowed him to travel Canada from 26/8/2023 to 26/12/2023 at his daughter Parnal Gokhale's resident at Unit No. 408, 1420 DuPont Street, Toronto, Ontario Canada M6H0C2. It is further submitted that the applicant/accused is at present staying on the above mentioned address in Canada. His daughter Parnal is pregnant and her due date of delivery is 24/1/2024. Accordingly, her doctor has booked to have a repeat Cesarean section for delivery on 16/1/2024. She needs parental support at this stage of life. Therefore, applicant/accused needs to extend his travel permission in the city of Toronto in Canada from 26/12/2023 to 31/3/2024 . It is further submitted that applicant/accused was allowed to travel out of India in the year

2019-2020 and he has abided all the terms and conditions imposed on him during his foreign travel and had returned back to India well within the permitted time. Hence, prayed that his application be allowed.

3] CBI has filed the say vide Exh.250 and submitted that the Hon'ble Court has framed the charge against accused and presently matter is fixed for prosecution evidence. His presence is required at the time of trial. The applicant has claimed in his application that his daughter is undergoing pregnancy and her estimated due date is 24/1/2024. He has also claimed that his daughter needs parental support at this stage. He has given his schedule of travel in Para No. 4 of his application, however, the applicant/accused has not submitted any supporting documents (except 1 printout copy dt. 4/12/2023 of Dr. G. Oliver, Dr. J. Lam & Dr. S. Norris in support of his claim. The applicant/accused is deliberately playing tactics to avoid proceedings of trial. Further submitted that there is strong apprehension that applicant/accused will not return India since he is facing trial of serious nature of economic/corruption offences. Hence, strongly objected and prayed to reject the application.

4] Heard learned advocate Mr. Rahul Deshpande for applicant / accused and learned P.P. Mr. Abhayraj Arikar for CBI prosecution. The case is fixed for evidence. The

applicant/accused vide Order below Exh. 219 dt. 1/7/2023 was permitted to travel Canada from 26/8/2023 to 26/12/2023. But due to unavoidable circumstances he was unable to travel Canada as per the scheduled dates. The record shows that the applicant was present before the Court on 4/9/2023, 15/9/2023, 7/10/2023 and 21/11/2023 and thereafter he went to Canada. As per the submission on behalf of applicant/accused at present is staying in Canada on the address of his daughter mentioned in application. As per the Order below Exh. 219 applicant/accused is permitted to travel in Canada till 26/12/2023 and within couple of days time the permission granted to him by this Court is going to expire. As a result of that the applicant/accused has filed the present application with the reason that the estimated due date of his daughter's delivery is 24/1/2024 and she needs parental support. In support he has filed 1 printout copy dt. 4/12/2023 of Dr. G. Oliver, Dr. J. Lam & Dr. S. Norris. Considering the reason to be genuine the applicant/accused being a father has legal right to stay with his children and support them in such situations. In his earlier application Exh. 219 the applicant/accused has filed an affidavit and orally submitted that he is ready to present before the Court as and when required.

5] Considering the facts stated by the applicant / accused and allegations against him in the report, I do not

think there is chance to flee him from the court of justice. He was also granted permission to travel abroad in the year 2019 and 2020 and he abided all the terms and conditions imposed on him and return back to India within prescribed time. Applicant / accused has also filed supporting document regarding the reason mentioned in his application. The present matter is fixed for evidence. In his absence evidence can be recorded in presence of his advocate, so that matter can be proceeded, provided he will be represented by his advocate on each and every date. Further, if the presence of applicant / accused is required, in that case, he can be called at any point of time whenever required by the Court. Therefore, it would be proper to allow the applicant/accused Ajit Kamlakar Gokhale to extend his travel permission and stay in Canada from 26/12/2023 to 31/3/2024. Therefore, I pass following order;

ORDER

- a] Application (Exh. 248) is hereby allowed.
- b] The permission of applicant/accused **Ajit Kamlakar Gokhale** to travel Canada and stay there is extended from **26/12/2023 to 31/03/2024**.
- c] The order is subject to condition that accused shall furnish his email address, working mobile cell number and detailed address of his stay at Canada during the aforesaid period. He will be represented by his advocate on each and every dates and in his absence evidence can be recorded in the presence of his advocate. Further, if his presence is required during the aforesaid period he shall come back on receipt of summons on his 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 his arrival in India.

sd/-xxx

(A.S.Waghmare)

Date – 21/12/2023

**Special Judge (CBI-ACB cases)
Pune.**

CERTIFICATE

I affirm that the contents of this PDF file order are same word for word as per original order

Name of Steno : Smt. S. R. Shaikh,
Stenographer, Grade 1

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

Order signed by PO : 21/12/2023
Date of PDF : 21/12/2023
Order uploaded on : 22/12/2023