

**IN THE COURT OF ADDL. CHIEF METROPOLITAN
MAGISTRATE 8TH COURT, ESPLANADE, MUMBAI**

C.C. NO. 2134/MISC/2021

Shri Shailesh Kantilal Meisuria ... Applicant

v/s.

Intelligence Officer,
DRI, Marine Lines, Mumbai ... Respondent

**ORDER BELOW APPLICATION FOR PERMISSION TO TRAVEL
ABROAD**

Read the application, say of the DRI.

2. Heard Ld. Counsel for the applicant Shri Sachwani and Ld. Spl. PP Shri Pathak for respondent at length.

3. It reveals that the applicant Shailesh Kantilal Meisuria has made this application for relaxation of the bail condition ordered vide dated 23/05/2017.

4. It is his submission that the applicant was arrested and released on bail on dated 23/05/2017 by this court on imposing certain terms and conditions. One of the condition of bail at Sr. No.4 was that "the accused is directed not to leave India without seeking prior permission". He argued that the applicant is required to be visit to abroad continuously for his business purpose. Previously on number of occasions he sought permission of this court, abide all the conditions imposed upon him. It is causing inconvenient and time consuming to seek permission every time. Hence, prayed to relax the same. He further argued that the Hon'ble Bombay High Court in Cri. Appl. No. 1289/2017 modified

the order passed by the Hon'ble Sessions Court to the extent of condition no. 6 and ordered to deposit Rs. 7 lacs and rest of the order was upheld wherein permitted the applicant to retain his passport.

5. The other side objected for the prayer made by the applicant, come with the case that the applicant is British Citizen alleged to have committed an offence punishable under section 135(1), 132 of Customs Act. Proceeding against the applicant will be initiated in the criminal court. His presence is necessary alongwith his advocate. The applicant is seeking blanket permission not to attend the court in such situation. Therefore, it becomes difficult to court to secure the presence of the accused when they flee out of India. The applicant is a Foreign National and his family residing in UK. Therefore, there is every reason to believe that he will abscond and will not be available for adjudication. If the permission as prayed is granted there is every likelihood that he will abscond or flee. Hence, prayed to travel abroad and visit foreign country for the period of five years be rejected.

6. If considered the submissions made by the Ld. Counsels for both the parties, it appears that it is not disputed this court vide its order dated 23/05/2017 directed the accused not to leave India without seeking prior permission. It is not disputed the Hon'ble Sessions Court vide order dated 06/04/2017 permitted to applicant to retain the passport with him subject to the order of Addl. Chief Metropolitan Magistrate in case passport is necessary

for evidence purpose or for consequential purpose and the same has been confirmed by the Hon'ble Bombay High Court. It is not disputed previously this court on many occasions permitted to applicant to visit abroad on imposing certain conditions, the same are obeyed by the applicant.

7. If considered these aspects and the fact that the applicant required to be visit continuously abroad for his business purpose, I am of view that the prayer made by the applicant for relaxation of the condition is required to be considered subject to certain condition i.e. the applicant shall intimate the court as well as the prosecution when he intend to travel abroad, shall submit details of his foreign tour to the court as well as to the prosecution and intimate about his return within 48 hours. If applicant failed to comply relaxed condition, automatically the said condition will be cancelled.

8. So far as the prayer in respect of clause (d) to retain his passport as per the order passed by the Hon'ble Sessions Court on dated 13/12/2017 is concerned, the question of permitting the same do not arises. Because, as per order of the Hon'ble Sessions Court, the applicant is permitted to retain his passport. Hence, I passed following order:

ORDER

1. The application is partly allowed.

2. The applicant shall intimate the court as well as the prosecution when he intend to travel abroad, shall submit details of his foreign tour to the court as well as to the prosecution and intimate about his return within 48 hours. If applicant failed to comply relaxed condition, automatically the said condition will be cancelled.

3. Rest of the conditions will remain as it is which were imposed earlier.

Date : 15/12/2021

(R.M. Nerlikar)
Addl. Chief Metropolitan Magistrate
8th Court, Esplanade, Mumbai