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MHCC020110262021



IN THE COURT OF SPECIAL JUDGE FOR PMLA
FOR GREATER BOMBAY AT BOMBAY

ORDER BELOW APPLICATION EXHIBIT-147
IN
PMLA SPECIAL CASE NO.1089 OF 2021
IN
ECIR/MBZO-I/66/2021

Anil V. Deshmukh] Accused No.15.

Versus

Director of Enforcement] Respondent.

Appearance:

Ld. Adv. Inderpal Singh for Accused No.15.

Ld. SPP Mr. S.D. Gonsalves for the Respondent/E.D.

**CORAM: H.H. THE SPECIAL JUDGE
SHRI R.N. ROKADE
(CR NO.54)**

DATE : 24th April, 2023.

ORAL ORDER
(Dictated and pronounced in open Court)

This is an application on behalf of accused no.15 Anil Deshmukh (hereinafter referred as 'the applicant') for permission to travel outside Greater Mumbai including District – Nagpur and rest of India.

2. It is contended that the applicant has been arraigned as one of the accused in the supplementary prosecution complaint. The

..2..

applicant is sanguine to expose the falsity, hollowness and lack of substance in the accusations levelled against him. The Hon'ble Bombay High Court was pleased to enlarge the applicant on bail, subject to condition that he shall remain within the jurisdiction of PMLA Court i.e. Greater Mumbai till the trial is concluded and shall not leave the jurisdiction of the Court without prior permission of the Court. He is also directed to report the office of Enforcement Directorate on every Monday in between 10.00 a.m. to 12 noon for a period of two months from the date of his release. Thereafter, he shall report to the said office on every alternate Monday from 10.00 a.m. to 12 noon for next four months. The applicant has been complying with each and every condition imposed by the Hon'ble Bombay High Court.

3. The applicant is a native of Nagpur and has deep family roots in the city. He is an elected representative of his constituency and representing 4 lakh people of his Constituency. The applicant has to attend the grievance of people of his constituency, meet officers of various departments such as Collectors, Senior Officer of Water Supply, PWD, Commissioner Revenue, SDO, Tehsildar, BDO, etc., to take care of socio-development work of Katol. The applicant has to attend party meetings and several functions in the State of Maharashtra. The applicant also needs to have due legal consultation with his lawyer at Delhi for further course of strategy in the present and connected cases. Therefore, this application is filed for grant of permission to travel outside Greater Mumbai including District – Nagpur and rest of India till 18.06.2023.

4. The prosecution strongly resisted the application by filing say on the application itself. It is contended that the present

..3..

application is made on concocted ground to get out of Mumbai and escape the case. If permission is granted, there are chances that the applicant may abscond and will not be available for trial, which would cause delay in the trial. Therefore, the prosecution prayed for rejection of the application.

5. Perused the application and say. Heard the ld. Advocate Mr. Inderpal Singh appearing for the applicant and ld. SPP Mr. S.D. Gonsalves for the respondent/Enforcement Directorate.

6. It is to be noted here that the applicant is an Elected Representative of the Maharashtra State Assembly. In that capacity he is required to visit his constituency to address the grievances of people. It is not the case of the prosecution that applicant has violated any of the conditions imposed on him by the Hon'ble Bombay High Court. It is imperative to note that investigation is still going on. The applicant has placed on record itinerary of his visit. Notably, permission is sought by the applicant to travel within India including attendance before ED Officer. It is well settled that right to travel is valuable one and an integral part of the right to personal liberty. Considering the reasons mentioned in the application, I am of the considered view that this is a fit case for grant of permission to the applicant to travel outside Greater Mumbai. Apprehension of the prosecution can be addressed by imposing stringent conditions upon the applicant. With this, I am inclined to pass the following order:

ORDER

1. Application at Exhibit-147 is hereby allowed.
2. Applicant/Accused No.15 Anil Deshmukh is permitted to travel

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outside Greater Mumbai as per the itinerary within India till 18.06.2023.

3. Applicant shall not handle the documents of Shree Sai Shikshan Sanstha in any manner connected to the present case.
4. He shall also not interact with any of the witnesses who are cited in the complaint in any manner or influence them.
5. He shall furnish itinerary of his travel to the office of Enforcement Directorate, Mumbai, before leaving Greater Mumbai.
6. He shall deposit Rs.1,00,000/- (Rupees One lakh only) as security with the Registry of this Court before leaving Greater Mumbai. If applicant has previously deposited any amount as a security for travelling outside Greater Mumbai and if the same is not withdrawn by him, it may be utilized as an amount deposited as security for the present travel.
7. He shall intimate to the office of Enforcement Directorate on his returning back to Greater Mumbai.



Date: 24.04.2023.

(R.N. ROKADE)
Special Judge
Court Room No.54, Gr. Bombay.

Dictated on : 24.04.2023
Transcribed on : 24.04.2023
Signed by HHJ on : 24.04.2023

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER"		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
24.04.2023	1.50 p.m.	Bharat Kashinath Gaikwad
Name of the Hon'ble Judge		SHRI R.N. ROKADE Special Judge Court Room No.54, Gr. Bombay.
Date of Pronouncement of Judgment/ Order		24.04.2023
Judgment/order signed by P.O. on		24.04.2023
Judgment/order uploaded on		24.04.2023