

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.646 OF 2015
IN
CRIMINAL APPEAL NO.572 OF 2015

Salman Salim Khan	... Applicant
V/s.	
The State of Maharashtra, Through Bandra Police Station, Mumbai.	 Respondent

Mr. Niranjan Mundargi a/w. Mr. Munaf Virjee
a/w. Ms. Chandrima Mitra a/w. Mr. Manhar S.
Saini, i/by M/s. DSK Legal for the Applicant.

Mrs. A.A. Mane, A.P.P., for the Respondent-
State.

P.I. R.S. Kane, the Investigating Officer, is
present.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
[Vacation Court]

DATE : 26th MAY, 2015.

P.C. :

1. This application is filed by the Applicant/Accused seeking permission to travel to Dubai/U.A.E. from May 27, 2015 to May 30, 2015 on account of professional commitments. As a consequential relief, he has

prayed that Respondent/State be directed to return the Passport to him for the purpose of the said visit. He has also expressed his willingness to abide by such terms and conditions as this Court may deem fit and impose.

2. Applicant is the Appellant in Criminal appeal No.572 of 2015. He has been convicted for the offences punishable under Sections 304 Part II, 338 and 337 of the IPC and some offences punishable under Motor Vehicles Act. The maximum punishment imposed on him for the offence punishable under Section 304 Part II of the IPC is rigorous imprisonment for a period of five years and a fine of Rs.25,000/-. On his Appeal being admitted, he is already released on bail by this Court vide its order dated 8th May, 2015. As per the said order, he has executed P.R. Bond of Rs.30,000/- with surety in the like amount in the Trial Court. At the time of passing the said order, the liberty was sought to apply to the Court for permission to travel abroad and it was held that such liberty has not been taken away and it would be open for him to make such an application to this Court, which in the event of being made shall be dealt with on merits and in accordance with law.

3. In the back-drop of these facts, this application is filed stating that the Applicant is having the professional commitments, in view of the Agreement entered into by him with Benchmark Media FZ LLC, Dubai, U.A.E. of performance at Arab Indo Bollywood Awards scheduled to take place on May 29, 2015. To substantiate this submission, a letter dated 9th May, 2015 addressed by Benchmark Media FZ, LLC, Dubai, U.A.E. and Cineyug Entertainment Private Limited to the Applicant is also produced on record. It is submitted that during the pendency of the trial in the Sessions Court also, the Applicant has, on several times, with the permission of the Court, visited the foreign countries in performance of his professional commitments. He has never abused the said liberty. Here also, he is ready to give undertaking that he will immediately, within 12 hours, after arrival, return his Passport and also he is ready to inform the Indian Consulate in Dubai on his arrival there and on his return to Mumbai.

4. The only ground on which learned A.P.P. has opposed the application is that now Applicant is a convict; therefore, different considerations should apply. However, as the Appeal preferred by the Applicant against his conviction and sentence is already admitted and

Applicant is also released on bail, his conviction by the Trial Court is under challenge. Bearing in mind the fact that the Applicant is ready to abide by the conditions imposed by this Court and he is already on bail, subject to following conditions, his application for permission to travel to Dubai, U.A.E. deserves to be allowed. Hence the order :-

“O R D E R”

The Criminal Application is allowed. The Applicant - Salman Salim Khan is granted permission to travel to Dubai, U.A.E. from May 27, 2015 to May 30, 2015 in order to perform at Arab Indo Bollywood Awards on 29th May, 2015 at Dubai, U.A.E., subject to following terms and conditions :-

- (a) Applicant shall furnish his travel plan/itinerary giving all the details, like, the flight number, flight time, ticket number, when he will be travelling and returning, the detailed address of the place where he will be staying, the contact numbers, both, land-line and mobile, where he

will be available in Dubai, during the said period.

- (b) The Applicant to report to Indian Consulate in Dubai on his arrival there and while returning also he should report to the Indian Consulate in Dubai.
- (c) The Applicant shall furnish additional cash security of Rs.2,00,000/- in the Trial Court, which he would be entitled to get refunded on his arrival from Dubai, U.A.E.
- (d) On arrival from Dubai, U.A.E., he shall return his Passport to the Investigating Agency within 12 hours.
- (e) Applicant shall also inform this Court, by way of praecipe, on the next working day, i.e. on 1st June, 2015, about his arrival.

- (f) The Applicant shall give an undertaking to the Investigating Agency that he will abide by the conditions imposed by this Court.
- (g) Subject to fulfillment of all the above conditions and on Applicant giving an undertaking, as stated above, the Investigating Agency is directed to return the Passport to the Applicant for the purpose of the above said visit.
- (h) All concerned to act on an authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.]