

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1157 OF 2015

Mr. Deepak @ Baba Dhondiba Misal ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Rohan Nahar for the Applicant.

Mr. S.S. Pednekar, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 17th NOVEMBER, 2015.

P. C. :

This is an application filed by the Applicant herein, who is an accused in C.R. No. 230 of 2013 registered with Sahakarnagar Police station, Pune, for the offences punishable under sections 120 B, 143, 144, 147, 148, 149, 341, 506 (2), 307 and 201 r/w. 34 of the IPC and under sections 135 and 37 (1) of the Bombay Police Act and 125 of Arms Act.

2. At the outset the learned counsel for the Applicant seeks leave to amend the prayer so as to correct the date on which leave to travel abroad is sought. Leave is granted. The learned counsel for the Applicant to carry out the amendment forthwith.

3. Heard the learned counsel for the Applicant. He has submitted that the charge-sheet has been filed and the case has been committed and presently pending before the Additional Sessions Judge, Pune, in Sessions Case No.261 of 2014. The Applicant herein was released on bail by the Additional Sessions Judge, Pune, on 29.5.2015. One of the conditions imposed by the Court was not to leave the jurisdiction of that Court without prior permission and to surrender his visa and passport, if any, in Sahakarnagar Police Station, Pune. Accordingly, the Applicant has deposited his passport before the Sahakarnagar police station. The Applicant had filed an application before the learned Additional Sessions Judge, Pune, seeking leave to travel abroad. Said application came to be rejected vide order dated 1.4.2015. The learned counsel for the Applicant further submitted that the Applicant wants to travel to Srilanka during the period from 5.12.2015 to 8.12.2015 to attend marriage of his niece.

4. The Applicant is an Indian national and has roots in the country. The Applicant has earlier travelled abroad with the permission of the Court and during such travel, he has not violated any of the conditions of bail. It is pertinent to note that the trial has not commenced and depriving the Applicant to travel abroad indefinitely,

without there being any embargo will be prejudicial to the rights and interest of the Applicant.

5. Under the circumstances, the application is allowed. The Applicant is permitted to travel to Srilanka between 5.12.2015 to 8.12.2015. The Applicant shall give details of his itinerary and his address, phone number and contact details to the concerned Court as well as to the Investigating Officer and report to Sahakarnagar police station on his return from Srilanka. The Applicant shall execute personal bond of Rs.20,000/- before the Sessions Court, Pune, and shall deposit a sum of Rs.1,00,000/- before the Additional Sessions Judge, Pune. In event of failure on the part of the Applicant to return within time or failure to abide above conditions, the amount of Rs.1,00,000/- shall be forfeited in favour of the State. On his return from Srilanka, the Applicant shall deposit his passport before the Additional Sessions Judge, Pune.

6. The Registrar, Sessions Court to return the passport to the Applicant-accused.

(ANUJA PRABHUDESSAI, J.)0