

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

CRIMINAL WRIT PETITION NO. 4917 OF 2014

Mrs. Neeta Kishan Tilokani

..Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr.H.A.Mundargi a/w. J.J.Bardeskar i/b. N.S.Mundargi for the
Petitioner.

Mrs. U.V.Kejriwal, APP for the Respondent/State.

Mr. Rajesh Desaia for the Respondent No.2.

PSI Mr. Devkate from Kondwa Police Station present.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : MARCH 04, 2015.

P.C.

1. By this petition the petitioner is seeking following reliefs:

“a) That this Honourable Court may be pleased to permit the petitioner to travel to Spain on such terms and conditions as this Hon'ble Court may deem fit and proper.

b) That this Hon'ble Court may be pleased to direct the respondents to handover the passport to the petitioner which is being surrendered with the respondent no.1 and further be pleased to direct the respondents to

communicate to all immigration the fact that the look out circular has been rendered infructuous and other check points, including any domestic and international airports and/or all such relevant authorities/ departments to whom the Look Out Circular was intimated”

2. So far as the relief claimed in prayer clause (a) is concerned, it is not in dispute that the petitioner was released on bail subject to condition that she will not leave India without prior permission of the court till the filing of the chargesheet. In pursuance to this condition, the petitioner has submitted her passport with Kondwa Police Station. There is no dispute that thereafter the chargesheet is filed and Magistrate is ceased of the matter. It would be therefore appropriate to direct the petitioner to approach the concerned Magistrate to seek permission to travel abroad.

3. If the petitioner is permitted to travel abroad, the police would hand over the passport to the petitioner.

4. In the event the petitioner makes an application to the

Magistrate within a week, the same shall be disposed of as early as possible and preferably within two weeks from filing of the application.

5. So far as the relief claimed in prayer clause (b) is concerned, the learned APP having taken instructions from the officer present in the court, makes a statement that the Police Inspector, Kondwa Police Station, Pune will inform the concerned Airport Authority and the Immigration Department, Mumbai Airport, Sahara, Mumbai by 9th March, 2015 that the petitioner has been granted bail in Crime No.25 of 2008 registered at Kondwa Police Station and the chargesheet is also filed and therefore this Look Out Circular will not survive qua the petitioner. Statement accepted. The Immigration Department, Mumbai Airport , Sahara, Mumbai, thereafter shall take necessary action and inform the concerned authorities regarding grant of bail to the petitioner in C.R.No.25 of 2008.

6. In view of the statement made by the learned APP and recorded herein above, the relief claimed in prayer clause (b) does not survive.

In light of the above, petition is disposed of. Parties to act on the authenticated copy of this order duly signed by the Private Secretary.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)