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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1319 OF 2016

Santosh Kantilal Jagtap
Age : 30 years, Occ. Agril.,
R/o Gangavalan, Tq. Indapur,
Dist. Pune

..PETITIONER

VERSUS

The State of Maharashtra

..RESPONDENT

Mr A.K. Bhosle, Advocate for petitioner;
Mr R.V. Dasalkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 27th October, 2016

ORAL ORDER :

By order dated 27th June, 2016, passed in Criminal Application No.2964 of 2016, this Court has granted regular bail to the petitioner, in connection with C.R. No.I-27 of 2016, registered with Gangapur police station, for offences punishable under sections 364, 120-B, 302, 201 read with section 34 of the Indian Penal Code and under section 3/25 of the Indian Arms Act. Amongst other, the condition that was incorporated for releasing the petitioner on bail was that he shall surrender his passport to the Sessions Court at Vaijapur.

2. By way of application at Exh.45 in Sessions Case No.27 of 2016, the petitioner, *inter alia*, sought release of his pass-port, as according to him, he is an Indian citizen, having his family and permanent place of

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abode at Pune. However, the learned Additional Sessions Judge, Vaijapur, by an order dated 11th August, 2016, rejected the application to the extent of return of pass-port of the petitioner.

3. It is brought to my notice through an affidavit that the petitioner is holding and owning an immovable property and an established business in the city of Pune.

4. A statement is made at bar by Mr Bhosle, learned Counsel appearing on behalf of the petitioner that out of wedlock of with his wife Mrs Shraddha Santosh Jagtap, a son is born and wife and son are very much residing at Pune. An assurance is given that all the family members will not leave India, but for the present petitioner, against whom an offence is registered and trial is pending before Sessions Court, Vaijapur. Mr Bhosle submits that the petitioner needs his pass-port to visit Dubai, so as to carry forward his business proposals.

5. The prayer is strenuously opposed by the learned Addl. Public Prosecutor on the ground that the petitioner is involved in a serious offence, which is punishable with imprisonment for life or death. He then submits that there is every likelihood that the petitioner may flee the country so as to avoid the trial.

6. Having considered the rival submissions, it is to be noted that the petitioner is a permanent citizen of India and has a permanent place of

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abode at Pune where he is carrying out the business and staying with his family. In addition, the petitioner also holds immovable property in the city of Pune and adjoining area. Apart from the crime in question, there are no criminal antecedents as against the petitioner.

7. The petitioner, through his lawyer, has given an undertaking that he shall not avoid the trial or shall not seek unnecessary adjournments on the ground of his non-availability in India.

8. Having regard to the above referred factual matrix, the objection raised by the learned Addl. Public Prosecutor stands over-ruled.

9. In view thereof, it is ordered that the pass-port of the petitioner be released after accepting an undertaking from him that he shall not delay or protract the trial and shall be available for the same.

Criminal Writ Petition stands disposed of in above terms.

(N.W. SAMBRE, J.)

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