

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 279 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO. 317 OF 2013

Aarati Santosh Shetty ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Vishal L. Kolekar, Advocate for the applicant.

Mrs. P.P. Shinde, APP for the State.

Mr. Shivaji G. Borkade, P.S.I., Mankhurd Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **2nd April, 2016.**

P.C.:

This Application is moved for modification of the condition imposed by this Court by its order dated 9th April, 2013 in respect of surrendering the passport to the Investigating officer.

2. The learned counsel for the applicant/accused submitted that the said condition be relaxed and the passport be returned to the applicant. The learned counsel submitted that the applicant wants to go to United States, Western Europe and Middle East for the business purpose, as she is working as Marketing Manager in NSS Trade (India) Pvt. Ltd. She wants to travel on 1st May, 2016.

3. Learned APP opposed this Application and submitted that the

business letter is given to her by her husband, who is Director of NSS Trade India Pvt. Ltd. She submitted that unless and until itinerary is given, i.e., the address where she is going to reside in this tour and the names of the persons to whom she is going to meet is given, the passport is not to be handed over to the applicant. She submitted that the condition should not be relaxed but for a temporary period the passport can be handed over to the applicant and it is to be returned back.

4. The applicant/accused is facing charges under section 304 Part II, 279 and 338 of the Indian Penal Code. She is responsible for death of one person. The letter is given by applicant's husband Santosh Shetty, who is director of NSS Trade India Pvt. Ltd. Considering the submissions of learned counsel for both the parties, the condition can be relaxed temporarily for a period of one month, i.e., from 1st May, 2016 to 31st May, 2016 on the following terms and conditions:

- (i) The passport be handed over to the applicant/accused for the purpose of visa and she is allowed to travel abroad between 1st May, 2016 to 31st May, 2016 and thereafter she is directed to surrender the passport with the same police station.
- (ii) The passport will be handed over to the applicant/accused only after she submits the complete itinerary of the places where she

is going to visit, the address where is residing and the persons to whom she is going to meet.

- (iii) The police shall hand over the passport to the applicant/accused within a week after they receive the itinerary.
- (iv) The applicant shall return India on or before 31st May, 2016 and shall handover the passport to the police on 1st June, 2016.

5. Application stands disposed of.

(MRIDULA BHATKAR, J.)