

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

**CRIMINAL APPLICATION NO. 747 OF 2016
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 598 OF 2012**

Manish Suresh Keswani. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Nilesh Tribhuvan, advocate for Applicant.

Mr. Y.M. Nakhwa, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : SEPTEMBER 23, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application seeking relaxation of condition for permission to travel abroad during the period 25/9/2016 to 30/9/2016. Notice was issued on 4/9/2016. The CMIS date is 23/9/2016. Since the application was not listed on board today i.e. on 23/9/2016, on 22/9/2016 a praecipe was placed before this

Court seeking circulation. It was immediately directed to place on board today. The copy of the application was served upon the office of the prosecution only before the matter was called out. This Court had issued notice and the application was heard in the afternoon session.

3 By an order dated 8/10/2014 application for similar prayer was allowed by the Hon'ble Predecessor Bench(Coram : Mrs. Mridula Bhatkar, J) and the applicant was directed to handover the passport to the Sessions Court after returning to Bombay.

4 The learned Counsel for the applicant submits that by an order dated 9th March, 2015 also, this Court on the basis of the orders passed by the Hon'ble Predecessor Bench had granted permission to the applicant to travel abroad.

5 The learned Counsel for the applicant also submits that the applicant has purchased ticket to travel abroad and he has scheduled to leave India on 25/9/2016. That by an order dated 17/7/2012 while granting bail a condition was imposed that the applicant shall surrender his passport to the investigator. By an order dated 8th October, 2014, the order was passed that on return to Mumbai, he shall surrender his passport and in view of this, the applicant was deemed to take permission to travel abroad. However, it appears that on every occasion, tickets are purchased even before the applications are decided and therefore, the permission of the Court is necessary only for returning the passport to the applicant to enable him to travel and not really to travel abroad. In view of this, the applicant is directed to surrender his passport on his return to Mumbai. The applicant is warned that next time when he has to travel abroad, he has to take permission of the court to travel abroad, as per the word “permission” defined in the dictionary and not purchase the ticket and inform the court that he has to travel abroad. The word

“permission” is defined as “the action of officially allowing someone to do a particular thing; consent or authorization.”

6 In view of the above, the Applicant is permitted to travel to foreign countries, as mentioned in the travel itinerary placed on record on 6th September, , 2016, as in the past on four occasions such permissions are given to him and no misuse of the liberty by the Applicant is reported. In view of this, the Sessions Court may handover the passport of the applicant upon an application made to the Sessions Court alongwith this order.

7 Hence, the following order :

ORDER

i) The learned Sessions Judge to hand over the passport to the Applicant and the Applicant is permitted to retain the same up to 30th September, 2016.

ii) The Applicant to redeposit the said passport with the concerned court on 1st October, 2016.

iii) The Applicant should furnish details of travel itinerary as well as his address or the place where he intends to reside in foreign countries as well as contact number to the concerned police station at Pune.

8 The application is disposed of accordingly.

Parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)