

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.256/2016 IN CRIMINAL APPEAL
NO.26/2010

Shri Dinesh s/o Balkrushnarao Wagh

..Versus..

State of Maharashtra, through Regional Passport Office, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 22.4.2016

Heard Shri A.Y. Sharma, advocate for the applicant - appellant no.1 and Shri S.M. Bhagde, A.P.P. for the non-applicant - respondent.

The applicant and other appellants are convicted for the offence punishable under Sections 147, 323 read with Section 149 of the Indian Penal Code and are sentenced to undergo rigorous imprisonment of two years and to pay fine of Rs.1,000/- each and in default of payment of fine to undergo simple imprisonment for two months each.

This Court by the order dated 19th January, 2010 has suspended the sentence during the pendency of the appeal pending before this Court.

The applicant - appellant no.1 applied for passport, however, the application of the applicant is not processed by the Authority on the ground that the applicant - appellant no.1 has not sought permission of this Court to go abroad. There is no complaint that the applicant - appellant no.1 has misused the liberty after being released on bail pursuant to the order dated 19th

January, 2010. The applicant is working as an Assistant Teacher in Dr. Babasaheb Ambedkar Vidyalyaya, Hinganghat, Distt. Wardha since last more than 15 years. The applicant is permanent resident of Hinganghat, Distt. Wardha and is in employment as confirmed employee.

Considering the facts on the record, the applicant is permitted to travel out of India, however, on the conditions as imposed by this order.

- (i) The applicant shall not be permitted to be out of India for more than three months.
- (ii) The applicant shall furnish his tour programme by filing an affidavit in this appeal.
- (iii) In addition to the security/surety furnished by the applicant at the time of his release on bail, the applicant shall furnish additional P.R. bond for Rs.50,000/- (Rs. Fifty Thousand Only) and two solvent sureties in the like amount.

The application is **allowed** in the above terms.

JUDGE

Tambaskar.