

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 87 OF 2017
IN
CRIMINAL BAIL APPLICATION NO. 742 OF 2013**

Mirza Hajimiya Baig s/o.

Mirza Hasmatulla Baig

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ahmed N. Shaikh for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

PC Mr. N. B. Nalawade, from EOW, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 21st SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks modification/relaxation of the condition imposed by this Court (Croam : S. C. Dharamadhikari, J.) vide order dated 7th May, 2013 passed in Bail Application No. 742 of 2013. The relevant portion of the condition of which modification is sought, reads thus:

“(c) The Applicant shall deposit the Passport, if any, with the Investigating Agency.....”

3. Learned Counsel for the applicant submits that the applicant has complied with the orders passed by this Court, as well as the trial Court, from time to time. He submits that the applicant, after taking permission of the trial Court, had travelled to Saudi Arabia in January, 2016. He submits that when the co-accused were granted pre-arrest bail, no such condition of deposit of their passport, was imposed.

4. Learned Counsel for the applicant submits that the applicant intends to visit for Haj and Umra at Saudi Arabia and requests for return of the passport of the applicant bearing No. H 7525841. He submits that till date, no charge-sheet has been filed.

5. Learned A.P.P, on instructions, submits that the Investigating Officer has no objection if the said passport is returned.

6. In view of the aforesaid, application is allowed and the condition to deposit the passport with the Investigating Agency, imposed vide order dated 7th May, 2013, is relaxed. The Investigating Officer to return the passport of the applicant, bearing No. H 7525841, to the applicant.

7. Rest of the conditions of the order dated 7th May, 2013, to remain as it is.

8. Application is allowed and disposed of accordingly.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.