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

CRIMINAL APPLICATION NO. 138 OF 2017

Deepak Natwarlal Parekh	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Mobin Solkar i/b Hardik Jayesh Desai for the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 12th APRIL, 2017.

P. C. :

1. This is an application for modification of condition No.5 of order dated 28.08.2014 imposed upon the applicant while granting pre-arrest bail by the Sessions Court of Greater Mumbai. The Condition No.5 reads as under:

“5. The applicant shall not leave India without prior permission of this court.”

2. The record discloses that on earlier two occasions i.e. on 12.05.2015 and 30.05.2016, the applicant was permitted to travel abroad by the learned Additional Sessions Judge, Greater Mumbai on certain conditions. The record further reveals that the applicant had complied with those conditions and has returned back to India on stipulated dates. It further clearly appears from the record that the applicant has preferred a Criminal Writ Petition No. 622 of 2015 in this Court for quashing of the

First Information Report. This Court by its order dated 10.01.2017 has granted rule in the said petition and the interim relief i.e. *“charge-sheet shall not be filed without prior permission of the Court”* granted by order dated 14.07.2015 has been directed to continue to operate till the final hearing of the petition.

3. In view of the above, condition No.5 imposed upon the applicant by the order dated 28.08.2014 and confirmed by order dated 04.02.2015 by the Additional Sessions Judge, Greater Mumbai is hereby waived. However, the applicant is directed to submit an attested photocopy of his passport with the Investigating Agency within a period of two weeks from today. If during the pendency of the said Criminal W.P. No. 622 of 2015, the applicant renews his passport, he is directed to submit an attested photocopy of the said passport with the Investigating Agency and shall obtain acknowledgment for the same.

4. The application is allowed in the above terms.

[A. S. GADKARI, J.]