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

***CRIMINAL APPLICATION NO.363 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.1336 OF 2014***

1	Shamim Imtiyaz Kadu	
2	Ambrin Imtiyaz Kadu	
3	Sadiya Imtiyaz Kadu	
4	Mohammad Ibrahim Kadu	...Applicants
	Versus	
	The State of Maharashtra and Anr.	...Respondents

***WITH
CRIMINAL APPLICATION NO.364 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.1395 OF 2014***

Imtiyaz Mohammad Kadu	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.Swapnil Wagh and Mr.Mahesh Ahire, i/b Rizwan Merchant & Associates, for the Applicants in both the Applications.

Ms.P.N.Dabholkar, A.P.P. for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd MAY, 2017

P.C. :

1. Heard learned counsel for the parties.

2. By these applications, the applicants seek the following prayers:-

- a) That this Hon'ble Court be please to direct the Registrar of the Trial Court, Murud, to return the passport of the Applicants No. 1 to 3, as it cannot be seized and impounded of as per the Judgments of the superior court;
- b) That this Hon'ble Court further be pleased to grant the permission to the Applicants to travel abroad to Saudi Arabia for the purpose of Umra Pilgrimage during the period from **10th May 2017 to 24th May, 2017** & waive the condition imposed by this Hon'ble Court to the effect of not to leave the jurisdiction of the trial Court.

3. Learned Counsel for the applicants submits that the applicants intend to travel to Saudi Arabia for attending the Umra Pilgrimage during the period from 10th May 2017 to 24th May, 2017. He submitted that the applicants are ready to give an undertaking in the trial Court that they will furnish the itinerary of the places, where they will be residing in Saudi Arabia and the telephone numbers where they can be contacted during the aforesaid period. He states that the applicants will also handover their passports to the trial Court, on their return back to India.

4. Learned APP states that the applicants should be directed to file an undertaking before they leave the country.

5. Perused the papers. The applicant no.1 - Shamim Imtiyaz Kadu is the mother-in-law; applicant nos.2 - Ambrin Imtiyaz Kadu and applicant no.3 - Sadiya Imtiyaz Kadu are the sisters-in-law and applicant no.4 - Mohammad Ibrahim Kadu is the grand father-in-law of the complainant, in Criminal Application No.363 of 2017. The applicant in Criminal Application No.364 of 2017 is the father-in-law of the complainant, All the applicants have been prosecuted for the offences punishable under Sections 498(A) (B), 323, 504, 506 r/w 34 of the Indian Penal Code. It appears that certain conditions were imposed on the applicants, by this Court (Coram:Mrs.Mridula Bhatkar, J.) vide order dated 13th October, 2014, passed in Criminal Anticipatory Bail Application No.1336 of 2014, while granting interim pre-arrest bail and one of the condition was that the applicants shall not leave India without the prior permission of the Court. As far as applicant – Imtiyaz Mohammad Kadu is concerned, this Court (Coram:P.D.Kode,J.) vide order dated 19th November, 2014, passed in Criminal Anticipatory Bail Application No. 1395 of 2014, has imposed

certain conditions, inasmuch as, there was a condition that the applicant shall not leave the jurisdiction of the trial Court, without obtaining the permission from the said Court. This Court vide order dated 25th November, 2014, passed in Criminal Application No.1336 of 2014, in addition had also directed the applicant Nos.1 to 3 in Criminal Application No.363 of 2017 to deposit their passports in the trial Court. Similarly, the applicant – Imitiaz was also directed to deposit his passport in the trial Court.

6. It is not in dispute, that except Mohammad Ibrahim Kadu, the passports of all the applicants are in the trial Court. The applicants intend to travel abroad to Saudi Arabia for the purpose of attending the Umra Pilgrimage during the period from 10th May 2017 to 24th May, 2017. All the applicants are ready to give an undertaking before the trial Court; that they will comply with the directions given by this Court and are also ready to furnish the itinerary i.e. the addresses of the places, where they would be residing in Saudi Arabia and the telephone numbers where they can be contacted during the aforesaid period; and that the applicants will handover their passports within 3 days of their return back to India i.e. after the Umra Pilgrimage.

7. Considering the aforesaid, the applications are allowed on the following terms and conditions :-

ORDER

- (i) The applicants are permitted to travel abroad to Saudi Arabia for the purpose of attending the Umra Pilgrimage during the period from 10th May 2017 to 24th May, 2017;
- (ii) The applicants to furnish an undertaking in the trial Court, that they will surrender their passports in the trial Court, within 3 days of their return;
- (iii) The applicants to furnish the itinerary i.e. the addresses of the places, where they will be residing in Saudi Arabia and the telephone numbers where they can be contacted during the aforesaid period in the undertaking to be filed in the trial Court ;
- (iv) On the applicants furnishing an undertaking in the trial Court, the trial Court to return the passports of all the applicants (except Applicant no.4 - Mohammad Ibrahim Kadu in Criminal Application No.363 of 2017).

8. The Applications are allowed in the aforesaid terms and are accordingly disposed of.
9. Liberty is granted to the Applicants, to renew their prayer for complete relaxation of the conditions imposed whilst granting Anticipatory Bail.
10. All concerned to act on the authenticated copy of this order._

(REVATI MOHITE DERE, J.)