

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 439 of 2016
IN
CRIMINAL APPLICATION NO. 139 OF 2015

Dinesh Jayantilal Rathod

..Applicant

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Niranjan S. Mundargi for the Applicant.

Mrs. S.V.Sonawane, APP for the Respondent no.1.

Mr. Shine Kamaluddin Mohammed & Mr. Manish Rai for the Respondent No.2.

CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 11TH JANUARY, 2017

P.C.

1. Heard the learned Counsel appearing for the applicant, the learned Counsel for the second respondent and the learned APP for the State. Perused the allegations against the applicant in the chargesheet. Considering the facts of the case, permission will have to be granted to the applicant to apply for grant of passport. Accordingly, we dispose of the application by passing following order:-

i) If an application is made by the applicant for grant of passport,

the concerned Passport Authority shall consider the application in accordance with law, and if the applicant is found entitled to passport, it will be open for the passport authority to grant passport notwithstanding pendency of the Criminal Application No.139 of 2015 and chargesheet filed against the applicant in C.R.No.314 of 2014 registered with Koparkhairane Police Station;

ii) The above relief is granted subject to condition that even if passport is granted to the applicant, he shall not travel abroad without seeking permission of this Court. This order shall not be acted upon till the applicant files a specific undertaking on oath in this Court stating that even if passport is granted to him, he will not travel abroad without seeking permission from this court;

iii) We clarify that, on application being made by the applicant, if it is found that the applicant is entitled to grant of passport, it will be open for the passport authorities to issue passport to the applicant which is valid for maximum permissible period;

Iii) Application is disposed of in above terms.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)