

Anand

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

CRIMINAL APPLICATION NO.461 OF 2017

Arijit Basu .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Niteen Pradhan i/b. Mrs.S.D.Khot, Advocate, for the Applicant
Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.09.2017

P.C.

. At the outset, learned counsel for the Applicant seeks leave to amend. Leave granted. Amendment to be carried out forthwith.

2. By this Application, the Applicant seeks modification of the Order dated 25.04.2017 passed by the learned Additional Sessions Judge, Thane, below Exh.6 in ABA No.986/2017 (arising out of C.R.No.132/2017 registered with the Mira Road Police Station, Mumbai). The operative part of the Order dated 25.04.2017 reads thus :-

“ ORDER

The condition no.6 is modified as under.

The Applicant shall not leave India without

prior permission of this Court.

They can leave jurisdiction of this Court but within India with prior written intimation to concerned police station.

Sd/-

25.4.17

Addl. SJ”

3. Perused the papers. The Applicant had preferred an Application seeking pre-arrest bail, being ABA No.986/2017, in connection with C.R.No.I-32/2017 registered with the Mira Road Police Station. The Applicant had also filed an interim Anticipatory Bail Application (being Exh.3), alongwith the main application. Pursuant thereto, the Applicant was granted interim protection in the aforesaid C.R., vide Order dated 17.04.2017 passed by the learned Additional Sessions Judge, Thane on certain terms and conditions. The operative part of the aforesaid Order reads thus :-

“ **O R D E R**

- 1] Application is allowed.
- 2] Till final hearing of the application in case of arrest of the applicant in CR No.I-132 /2017 (under section 420 r/w 34 I.P.C. and section 3, 10, 11 of M.O.F.Act 1963) in Mira Road Police Station the applicant be released on P.B.

and S.B. of Rs.15,000/- (Rupees Fifteen Thousand Only) with the following conditions:-

- 3] The applicants are directed to co-operate the Investigating Officer for the purpose of investigation.
- 4] The applicants in all the cases are directed to remain present before the Investigating Officer as and when necessary on 18.4.2017 to 21.4.2017.
- 5] They are directed to remain present before the concerned police station between 11.00 a.m. to 2.00 p.m. on 22.4.2017, and 23.4.2017 for the purpose of investigation.
- 6] The applicant shall not leave the jurisdiction of this Court till the final disposal of this application.
- 7] They shall not tamper the prosecution witnesses or pressurize or threaten any of the witness for dissuading him from the facts and circumstances of the case.
- 8] The applicant shall remain present on the next date for final hearing of the case.
- 9] Issue 7 days notice to DGP and P.I. of Mira Road police station.”

Thereafter, the Application was allowed vide Order dated 06.05.2017 and the aforesaid interim order was confirmed. It appears, that

thereafter, the Applicant preferred an Application seeking modification of the Order dated 06.05.2017 which was imposed on the Applicant vide Order dated 17.04.2017 in ABA No.979/2017 to 990/2017, in particular clause 6). The said clause reads thus, i. e.

“6] The applicant shall not leave the jurisdiction of this Court till the final disposal of this application.”

The learned Judge vide Order dated 25.04.2017 modified the said condition, inasmuch, as the Applicant was directed not to leave India without prior permission of this Court. The Applicant was permitted to leave the jurisdiction of the trial Court, within India, however, with prior written intimation to the concerned police station.

4. By this Application, the Applicant seeks modification of the said order dated 25.04.2017. Learned counsel for the Applicant submits that the Applicant is required to travel regularly for his business work. He submits that the Applicant has roots in the society and therefore, the question of absconding does not arise. Learned counsel for the Applicant however, submits that till the filing of the charge sheet, the Applicant is ready to furnish his itinerary alongwith his travel details to the concerned investigating officer, before leaving India. Statement accepted.

5. Accordingly, the Application is allowed and the Order dated 25.04.2017 passed by the learned Additional Sessions Judge is set aside. Accordingly, the Applicant is not required to seek leave/permission of the trial Court before leaving India. Nor is the Applicant required to inform the concerned police station, before leaving the jurisdiction of this Court. The Applicant shall, however, furnish his itinerary and travel details to the investigating officer before leaving the country, till the filing of the charge-sheet.

6. Accordingly, the Application is allowed & disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)