

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1057 OF 2017

IN

ANTICIPATORY BAIL APPLICATION NO. 768 OF 2015

Lliyas Beg	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Arun K.Rajput for the applicant.

Ms.A.A.Takalkar, APP for the State.

Mr.Ramesh Sawant, PSI Malvani, Police Station, Malad (W)

WITH

CRIMINAL APPLICATION NO. 1056 OF 2017

IN

CRIMINAL APPLICATION NO. 414 OF 2015

Ayesha Iliyas Beg	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Arun K.Rajput for the applicant

Ms. J.S.Lohakare, APP for the State/Respondent.

CORAM: A.M. BADAR, J.

DATED: 30th NOVEMBER 2017

PC:-

1. These are the applications by husband and wife who are accused in crime No.309 of 2015 registered with police station Malvani for the offences punishable under

Sections 498(A), 406,377,504,506 r/w 34 of the Indian Penal Code and 66(e) of the Information and Technology Act. . Filing of the charge-sheet has resulted in registration of the Criminal Case No.1773/PW/2016 against both the applicants and it is pending for trial before the learned Metropolitan Magistrate. Both the applicants are in laws of the first informant and the principal accused is their son. Applicant Ilias was in service of police department at Bahrain. By these applications both the applicants are praying for permitting them to travel to Bahrain for a period of 7 months commencing from 1.12.2017 to 31.7.2018. The learned advocate appearing for the applicants/accused argued that applicant Ilias was serving in the police department of Bahrain and for making him entitled for pensionary and other benefits from his employer he needs to stay at Bahrain at least for a period of 7 months. Therefore, the applicant and his wife Ayesha wants to travel to Bahrain and to stay there up to 31.7.2018. It is further argued that the applicant Ayesha as suffering from ailment and she is getting treatment

at Bahrain as would reflect from order passed by this Court. The learned advocate further argued that in past also this Court has permitted both the applicants to travel to Bahrain from time to time.

2. The learned advocate for the applicants tender their affidavits on record today to point out that first informant i.e. their daughter-in-law is also residing at Bahrain and working there as a beautician. He argued that her work visa is expiring on 6.2.2019 and therefore, she is not available for adducing evidence before the learned Metropolitan Magistrate up to 6.2.2019.

3. The learned APP argued that the criminal case is fixed for recording of evidence after framing of the charge. Upon being asked, the learned APP upon instructions from the investigating officer candidly accepted the fact that the first informant is not available for service of summons. To my mind, this indicated that the first informant is not available

at India. The applicants have candidly stated in their affidavit that first informant Fatima Baig is at Bahrain and they have annexed the work Visa details of first informant Fatima alongwith their affidavits which indicates that she will be at Bahrain up to 6.2.2019, where she is working as a beautician.

4. Considering the fact that the travel is for making applicant Ilias entitled for pensionary benefits and retirement dues as well as the fact that applicant Ayesha is taking medical treatment at Bahrain, I see no reason to refuse the relief prayed for in the instant applications to the applicants. Therefore, the following order.

ORDER

- i) Both these applications are allowed.
- ii) The applicants are permitted to travel to Bahrain during the period commencing from 1.12.2017 to 31.7.2018.
- iii) As a condition of this order, the applicants shall furnish their tour itinerary for the period for which they are travelling abroad to the Concern Magistrate.

iv) The learned Metropolitan Magistrate is directed to hand over the passport of Ayesha to her in order to enable her to travel abroad i.e. Bahrain.

v) The applications are disposed of accordingly.

vi) On return of India, the applicant Ayesha to return her passport to the concerned Metropolitan Magistrate by 2nd week of August 2018.

(A.M. BADAR, J)