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

CRIMINAL APPLICATION NO.1291 OF 2017

1] Dr. Augustine Francis Pinto

2] Mrs. Grace Pinto

V/s.

... Applicants

The State of Maharashtra & Ors.

... Respondents

WITH

CRIMINAL APPLICATION NO.1292 OF 2017

Ryan Augustine Pinto

vs

The State of Maharashtra & Ors.

... Applicant

... Respondents

Mr. Nitin Pradhan a/w Aditya Lasaria for Applicants.

Ms. PN. Dabholkar, APP for State in APL 1291/2017.

Mr. R.M. Pethe, APP for State in APL 1292/2017.

Mr. S.R. Padvi, API, Azad Maidan Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 22nd DECEMBER 2017

P.C.:

1] These applications are for return of passports of the applicants which were deposited in furtherance of directions issued by this Court by an Order dated 14th September 2017 in A.B.A. Nos.1599 and 1608 of 2017.

2] Heard Mr. Nitin Pradhan, learned Counsel appearing for the

applicants and the learned APP for State in both applications. Perused the record.

3) The record indicates that, by an Order dated 14th September 2017, the A.B.A. Nos.1599 and 1608 of 2017 were rejected by this Court and interim relief which was in favour of the applicants was extended upto 5.00 p.m of 14th September 2017 subject to condition that the applicants shall deposit their respective passports with the Commissioner of Police, Mumbai or any Officer authorised/nominated by the Commissioner of Police, Mumbai on or before 9.00 p.m of 14th September 2017. That accordingly the applicants had deposited their respective passports with the Azad Maidan Police Station, Mumbai within stipulated time on 14th September 2017 and the concerned Officer has issued receipt in that behalf. The said receipts are annexed at page No.22 of the present applications.

The record further indicates that, the applicants thereafter approached the High Court of Punjab And Haryana at Chandigarh by filing Criminal Misc.No.M-35002 of 2017 and Criminal Misc.No.35003 of 2017 (O & M) seeking pre-arrest bail. The High Court of Punjab and Haryana, by its Order dated 21.11.2017 is pleased to grant pre-arrest bail to the applicants on certain conditions. One of the conditions is that, the

petitioners (applicants) shall not leave India without the prior permission of the Court.

4] Feeling aggrieved by the said Order passed by the High Court of Punjab and Haryana, Shri Barun Chandra Thakur, father of deceased Master Pradyumn filed Criminal Appeals bearing Nos.2152 and 2153 of 2017 before the Hon'ble Supreme Court. The Hon'ble Supreme Court by its Order dated 11th December 2017 dismissed the said appeals and confirmed the Order passed by the High Court of Punjab and Haryana dated 21.11.2017. In the premise the applicants are seeking return of their passports for seeking appropriate permission/Orders from the High Court of Punjab and Haryana High Court.

5] As noted hereinabove, the applicants have been granted pre-arrest bail by the High Court of Punjab and Haryana High Court by its Order dated 21.11.2017, and therefore the apprehension expressed by the Investigating Agency on 14th September 2017 before this Court as of today does not survive.

6] In view of the above, this Court is of the view that the passports deposited by the applicants with the Azad Maidan Police Station, Mumbai can be returned to them.

Hence the following Order:-

The Respondent No.2- Senior Inspector of Police, Azad Maidan Police Station, Mumbai is hereby directed to return the passports deposited by the applicants on production of authenticated copy of this Order.

7] Both applications are allowed in the aforesaid terms.

All the concerned to act on an authenticated copy of this Order.

(A.S.GADKARI, J.)