

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 36 OF 2018

RAJESH SRICHAND HASSANANDANI., ... Petitioner

Versus

**THE STATE OF GOA, THR. THE PUBLIC
PROSECUTOR AND 2 ORS.,** ... Respondents

Shri Jagdish Shetty with Shri Mahesh Kukreja and Ms. Vahida Yelgar, Advocates for the Petitioner.

Shri Mahesh Amonkar, Additional Public Prosecutor for the Respondent Nos. 1 and 2.

Shri Jitendra P. Supekar, Advocate for the Respondent No. 3.

Coram:- C. V. BHADANG, J.

Date:- 13th February 2018

P.C:

By this petition, the petitioner is seeking release of his passport and permission to travel to Dubai, U.A.E., for a period of two weeks.

2. The petitioner had earlier approached this Court with a similar request in Criminal Writ Petition No. 210/2017, which was decided on 20.12.2017. In that petition, a statement was made on behalf of the respondent nos. 1 and 2 that the investigation is under progress and the charge sheet is likely to be filed within a period of six weeks. In view of this, Criminal Writ Petition No. 210/2017, was disposed off with liberty to the

petitioner to renew the request, after a period of six weeks or after filing of the charge sheet, whichever is earlier. Undisputedly, the period of six weeks, expired somewhere in the first week of February 2018.

3. Shri Mahesh Amonkar, the learned Additional Public Prosecutor submits that since then the investigation is complete and the charge sheet will be filed tomorrow.

4. The record further discloses that in the original order, granting anticipatory bail, there was no condition of surrender of the passport. That condition, was imposed by this Court in Criminal Writ Petition No. 150/2017, which was a petition filed by the complainant for cancellation of the anticipatory bail. While deciding the said petition, by order dated 27.09.2017, this Court had made it clear that the deposit of the passport shall be subject to further orders as may be passed by the learned Sessions Judge.

5. Be that as it may, considering the overall circumstances and the fact that the investigation is complete, I find that the petition can be allowed, subject to certain conditions.

6. In view of the above, the following order is passed:

O R D E R

(a) The petition is accordingly allowed in terms of prayer clauses (a) and (b), subject to the condition that the petitioner shall deposit an amount of Rs.1 lakh before the learned Additional Sessions Judge, Mapusa and shall undertake to re-surrender the passport on his return.

(b) In the event, the petitioner requires the passport to travel abroad in future, the petitioner shall be at liberty to approach the learned Additional Sessions Judge, who shall pass appropriate orders after hearing the parties.

(c) The amount of Rs.1 lakh shall be returned to the petitioner after the passport is surrendered.

7. All concerned to act on the basis of an authenticated copy of the order.

C. V. BHADANG, J.

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