

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 298 OF 2017
IN
CRIMINAL APPLICATION (MAIN) NO. 129 OF 2017

GUIDO BOTHE., ... Applicant

Versus

STATE THR., THE OFFICER IN CHARGE,
PANAJIM POLICE STATION, PANAJI., ... Respondent

Shri Ashwin D. Bhobe with Ms. Shradha Bhobe, Advocates for
the Applicant.

Shri Mahesh Amonkar, Additional Public Prosecutor for the
Respondent.

Coram:- C. V. BHADANG, J.

Date:- 10th January 2018

P.C:

This is an application for modification of the order dated 26.05.2017, by relaxing of the condition of deposit of Passport as ordered in Criminal Application (Main) No. 129/2017.

2. I have heard Shri Bhobe, the learned Counsel for the applicant and Shri Amonkar, the learned Additional Public Prosecutor for the respondent.

3. During the course of the argument, it was not disputed that although, while releasing the applicant on bail, the learned Magistrate has imposed a condition that the applicant shall not

leave India and travel abroad, there is no specific condition as to the surrender of the Passport. The applicant vide Criminal Application (Main) No. 129/2017, had sought permission to travel abroad to Germany, which was granted by this Court vide order dated 26.05.2017 and while granting permission, this Court had directed the applicant to deposit his passport before the concerned Court on his return. Undisputedly, in pursuance of the said order, the applicant has travelled to Germany and has returned back and has surrendered his Passport.

4. The learned Counsel for the applicant submits that the applicant requires his Passport to renew his PIO Card.

5. In any event, the surrender of the Passport is not a condition while granting bail to the applicant. Shri Amonkar, the learned Additional Public Prosecutor submits that subject to this Court maintaining the condition that the applicant shall not travel abroad, the Passport can be returned.

6. In such circumstances, the learned Magistrate shall return the original Passport to the applicant, within seven days of receipt of this order. Needless to mention that the condition originally imposed, while granting bail that the applicant shall not travel abroad shall continue to operate.

7. The application is disposed of.

C. V. BHADANG, J.

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