IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.221 OF 2018
IN
CRIMINAL APPLICATION NO.139 OF 2015

Dinesh Jayantilal Rathod **..Applicant**
Vs.
The State of Maharashtra **..Respondent**

Mr. Niranjan Mundargi for the Applicant
Mr. Deepak Thakare G.P. a/w Mrs. P. P. Shinde APP for the Respondent State
Mr. Shine K. Mohammad for the Respondent No.2
API Sunil Maruti Karote, Koparkhairne Police Station present

CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ
DATE : 14th MARCH, 2018

P.C.

1 The above Criminal Application has been filed for the following reliefs:

> (a) this Hon'ble Court be pleased to relax/modify/ alter the conditions imposed upon the Applicant seeking permission of the Hon'ble Court to travel abroad and/or
>
> (b) this Hon'ble Court be pleased to grant permission to the Applicant to travel to Bangkok from 15-3-2018 to 30-3-2018 on the same terms and conditions as this Hon'ble Court may deem fit and proper.

2 The Learned Counsel appearing for the Applicant however states that he would be satisfied if the relief in terms of prayer clause (b) is granted.

The said relief is sought in view of the directions which came to be issued vide order dated 11-1-2017 passed by a Division Bench of this Court A. S. Oka and Anuja Prabhudesai JJ., in Criminal Application No.439 of 2016 in the above Criminal Application No.139 of 2015. The instant Criminal Application is referable to clause (ii) of the said order dated 11-1-2017 which is reproduced herein under for the sake of ready reference:

> (ii) The above relief is granted subject to condition that even if passport is granted to the applicant, he shall not travel abroad without seeking permission of this Court. This order shall not be acted upon till the applicant files a specific undertaking on oath in this Court stating that even if passport is granted to him, he will not travel abroad without seeking permission from this court

3 The record discloses that the Applicant had earlier filed Criminal Application No.62 of 2018 for the same self reliefs seeking permission to travel to Bangkok from 10-2-2018 to 25-2-2018. A Division Bench of this Court A. A. Sayed and V. L. Achaliya JJ., by order dated 29-1-2018 had granted the said permission by directions as contained in clause (5) of the said order. In so far as the instant Application is concerned, the Learned APP on instructions of the officer from the concerned Police Station API Mr. S. M. Karote of the Koparkhairne Police Station, submits that in the event the permission is to be granted, than the Applicant be subjected to the same conditions as were imposed on him vide order dated 19-8-2015 and 29-1-2018 adverted to

hereinabove. The Criminal Application is accordingly allowed in terms of prayer clause (b) subject to the following conditions:

(i) That the Applicant would furnish the itenary of his tour to Bangkok to API Mr. Karote during the course of the day.

(ii) The Applicant on his return would report to the concerned police station who would accordingly make an entry in that regard.

(iii) That the grant of permission by the instant order would not obviate the need for the Applicant to seek permission to travel abroad in future. The Applicant would be bound by the conditions as imposed by order dated 11-1-2017.

4 The above Criminal Application is accordingly disposed of.

5 The parties to act upon an ordinary copy of this order duly authenticated by the Court Shirestedar.

6 List the main Criminal Application No.139 of 2015 for admission on 4-4-2018.

[SARANG V. KOTWAL, J] **[R.M.SAVANT, J]**