

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 452 OF 2018**

Sudhir Gudal

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Damale, Sr. Counsel a/w Ms. Racheeta Dhuru I/b India Law L.L.P for
the Applicant

Ms. J. S. Lohokare, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 25th APRIL, 2018

P.C. :

1. Learned counsel for the applicant seeks leave to amend. Leave granted. Amendment to be carried out forthwith.
2. Heard learned counsel for the parties.
3. By this application, the applicant seeks the following reliefs :

“a. This Hon'ble Court may be pleased to modify the order dated 22.10.2016 to the extent of directing the Investigating Officer of EOW Unit IX to return the original passport bearing no. K9286423 of the Applicant.

b. This Hon'ble Court may be pleased to allow the Applicant to travel to Khatmandu, Nepal from 06.05.2018 to 11.05.2018 to 11.05.2018 and thereafter to USA from 15.06.2018 to 30.06.2018.”

4. Perused the papers. It appears that the applicant has surrendered his passport with the Investigating Officer, pursuant to the order dated 22nd October, 2016 passed by the learned Additional Sessions Judge, Mumbai, whilst granting interim anticipatory bail to the applicant. It appears that subsequently applicant's anticipatory bail was rejected by the Sessions Court and hence, the applicant filed the aforesaid application being Anticipatory Bail Application No. 1977 of 2016 in this Court. This Court (Coram : N. W. Sambre, J.) vide order dated 17th November, 2016 was pleased to continue the ad-interim protection granted by the Sessions Court and the application is pending.

5. By this application, the applicant seeks return of his passport, which is deposited with the Investigating Officer pursuant to the order dated 22nd October, 2016, as the applicant intends to travel to Khatmandu, Nepal from 6th May, 2018 to 11th May, 2018 and thereafter to USA from 15th June, 2018 to 30th June, 2018. According to the learned counsel for the

applicant, the applicant intends to travel to Khatmandu for his business seminar which is organized by the Government of Nepal and to USA for the admission of his son.

6. Learned A.P.P does not dispute the fact that the applicant has reported to the Police Station as and when called.

7. Considering the aforesaid, the application is allowed on the following terms :

ORDER

- (i) The Investigating Officer of EOW Unit-IX to forthwith hand over the passport to the applicant;
- (ii) The applicant is permitted to travel to Khatmandu, Nepal from 6th May, 2018 to 11th May, 2018 and thereafter to USA from 15th June, 2018 to 30th June, 2018;
- (iii) The applicant shall furnish his itinerary, giving details of travel including the address and telephone numbers, where he intends to reside, to the concerned Authority, before leaving the Country;

(iv) The applicant, on his return from USA, shall deposit his passport with the concerned Authority, in the first week of July, 2018.

8. Application is disposed of accordingly.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.