

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

CRIMINAL APPLICATION (ALP) NO.550 OF 2018

Alka Nitin Sehgal .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr.D.S. Mhaispurkar i/b. Mr.S.M. Mangaonkar, Advocate for the Applicant.

Ms.P.N. Dabholkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 8, 2018.

P.C. :

This is an application seeking permission to issue passport to the applicant. The application preferred by the applicant before the Special Court for Protection of Children From Sexual Offences Act, 2012, Greater Bombay has been rejected by order dated 13th April, 2018.

2 The applicant is facing prosecution for the offences punishable under Sections 327, 238, 366(A), 384, 499, 500, 506 and 509 read with Section 34 of the Indian Penal Code, Section 11 of the Protection of Children from Sexual Offence Act, 2012 read with Section 67 of the Information Technology Act, 2000,

and Section 5 of PITA Act, 1956. The applicant is on bail. The proceedings are pending before the Special Court.

3 In accordance with the relevant notification, permission is required to be obtained from the Court for issuance of passport in case of pendency of proceedings against the person seeking passport. In view of that an application was preferred by the applicant before the trial Court. The said application was opposed by the prosecution on the ground that the applicant is likely to be abscond if such permission is granted. Mr.Mhasipurkar, learned counsel for the applicant submitted that the prosecution launched against the applicant is pending before the Special Court and it is not clear as to when the said proceedings will be concluded. It is further submitted that the applicant had roots in India. She is permanent resident of Mumbai. Her husband is carrying on business. The said fact is fortified by the licence issued under Shops and Establishment Act, which has been annexed to the application. It is further submitted that the son of the applicant is taking education in Mumbai. Copy of the School Identity Card has been annexed to this application. It is further submitted that to take care of the apprehension of the prosecution this Court may impose condition

that the applicant shall not leave India without permission of the trial Court.

4 Learned APP strongly opposed the application. It is submitted that the applicant is being prosecuted for the serious offence and in the event permission to issue the passport is granted to the petitioner, there is every likelihood that the applicant would abscond.

5 I have gone through the documents annexed to the application. The applicant is permanent resident of Mumbai and having roots in India. Permission can be granted for issuance of passport. However, with a view to take care of the apprehension expressed by investigating machinery it can be directed that after issuance of passport, the applicant shall not leave India without the permission of the trial Court.

6 In view of the above, I pass the following order:

:: ORDER ::

- (i) Criminal Application is allowed;
- (ii) The Passport Authority is directed to issue the

passport to the applicant in accordance with rules;

- (iii) During the pendency of proceedings before the Special Court, the Applicant shall not leave India without prior permission of the trial Court.

(PRAKASH D. NAIK, J.)