

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

**CRIMINAL APPLICATION NO.782 OF 2018
IN
CRIMINAL APPLICATION NO.102 OF 2018
IN
CRIMINAL APPEAL NO.131 OF 2016**

Anushree Satishkumar Kundra .. Applicant.
Vs.
The State of Maharashtra .. Respondent

Mr.Ashish Raghuvanshi for the applicant.

Ms.P.P. Shinde APP for the State.

Mr.D.A. Dubey with Mr.D.P. Singh for respondent nos.2 and 3.

**CORAM : A.K. MENON &
SMT.BHARATI H. DANGRE, JJ.
(VACATION COURT)
DATED : 11TH MAY, 2018.**

P.C. :

1. By this application, the applicant seeks relaxation of condition (c) of the order dated 27th April, 2018 by which she was granted bail. For ease of reference the operative portion of the order dated 27th April, 2018 is reproduced below :

“(a) Pending hearing and final disposal of the Criminal Appeal No.131 of 2016, the sentence imposed by the Trial

Court is suspended and the applicant is directed to be released on bail on furnishing PR bond in the sum of Rs.50,000/- with one or more sureties in the like amount.

(b) The applicant shall not leave India without prior permission of this Court.

(c) The applicant shall deposit her passport in this Court.

(d) The applicant shall furnish her residential address to the concerned police station.

(e) The application stands disposed of."

2. Clause (c) requires the applicant to deposit her passport in this Court. The criminal application made today is on the basis and as canvassed by the learned Advocate for the applicant that the applicant never possessed a passport and, therefore, she is unable to comply with condition (c). Mr. Raghuvanshi submitted that the fact that the Applicant did not hold a passport was not known the Advocates when the order was passed and hence could not be pointed out at the material time.

3. At the hearing of this application on 9th May, 2018 leave was granted to implead the Ministry of External Affairs through Regional Passport Office in order to ascertain whether the passport has been issued to the applicant.

4. Mr. Singh Learned counsel for the Union of India, Ministry of

External Affairs and the Regional Passport Office is present today. He has obtained instructions from the Ministry of External Affairs to the effect that on verification of the computerised records Ms.Anushree Kundra daughter of Mr.Satishkumar Kundra has not been issued any passport, a copy of the communication received by Mr. Singh is tendered across the bar. The same is taken on record and marked "X" for identification.

5. In view of this confirmation it is obvious that it will not be possible for the applicant to comply with condition (c). The order dated 27th April, 2018 directs her release on bail on the conditions set out therein. It is stated that save and except condition (c) other conditions have been complied with.

6. Considering the fact that this issue pertains to the liberty of the accused – applicant who has being granted bail, we modify the order dated 27th April, 2018 to exclude clause (c) requiring her to deposit the passport in this Court. We however further clarify that the applicant shall not apply for a passport without obtaining prior leave of this Court.

7. With these directions the application is disposed of.

8. All parties to act on a copy of this order authenticated by the court Sheristedar .

(SMT.BHARATI. H.DANGRE,J.)

(A.K. MENON,J.)