

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.829 OF 2018
IN
CRIMINAL APPEAL NO.281 OF 2016

Mr. Ateef Nasir Mulla.] Applicant

Versus

The State of Maharashtra.] ... Respondent

Ms. Tahera Abdul Rashid Qureshi for Applicant.

Ms. Rohini Salian, Spl.P.P. a/w Mrs. M. H. Mhatre, APP for State.

CORAM :- B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE :- 13 JULY, 2018

P. C. :-

1. This is an Application for permission to travel abroad.
2. The Applicant has been convicted in connection with POTA Special Case No.2 of 2003. The Applicant desires to travel abroad for a period of 40 days for the purpose of performing Haj.
3. The Application is vehemently opposed by the learned Spl.P.P. She states that the Applicant has been convicted for a serious

offence and there is a possibility that he may not return to India to undergo the sentence awarded to him.

4. The Applicant is already released on bail. While being released on bail, he has furnished the bond of his own brother. The learned Counsel for the Applicant states that the Applicant has three school going children and a family consisting of father and brothers. It is, therefore, submitted that the Applicant has deep roots in the society and there is no possibility of fleeing away from justice.

5. Taking into consideration that the Applicant desires to go on pilgrimage, we are inclined to allow the Application. Hence, the following order :

ORDER

- (i) The Applicant is allowed to travel to Saudi Arabia for Haj. However, he is directed to deposit the photocopy of his passport with the Respondent and also give his entire itinerary along with the details of places where he is likely to reside, while traveling abroad, to the Respondent.

- (ii) Needless to state that during the period the Applicant is traveling abroad, he shall be exempted from the condition of attending the trial Court.
- (iii) The Application stands disposed of.
- (iv) Parties to act on an authenticated copy of this order.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)