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

***CRIMINAL APPLICATION NO. 1477 OF 2018
IN
CRIMINAL APPEAL NO. 281 OF 2016***

Ateef Nasir Mulla.

...Applicant/Appellant.

V/s.

The State of Maharashtra.

... Respondent.

Ms. Tahera Abdul Rashid Qureshi for the Applicant/Appellant.

Ms. Rohini Salian, Spl. P.P. for the Respondent - State.

Ms. M.M. Deshmukh, APP for the Respondent – State.

***CORAM : S.S. SHINDE AND
MRS. MRIDULA BHATKAR, JJ.***

DATE : 25th SEPTEMBER 2018

P.C. :

The Applicant – Appellant is the Original Accused No.2 has moved this Criminal Application seeking permission for the modification of the order which was passed by this Court earlier on 13th July 2018 in Criminal Application No. 829 of 2018. The Applicant is convicted in POTA Special Case No. 2 of 2003. He has moved this application to travel for 40 days to offer rituals at Hajj. The said permission to travel to Saudi Arabia for Hajj for 40 days

was granted by this Court on 13th July 2018. The learned Counsel appearing for the Applicant submits that the Applicant - Accused is on bail and he seeks permission to visit Umrah instead of Hajj for 20 days during the month of October 2018 and the first week of November 2018. She further submits that he will abide by the conditions whatever imposed by the Court and will come back and report on the specific day as per directions of this Court.

2. Learned Special Prosecutor Ms. Salian submits that she has no objection because earlier Criminal Application bearing No. 829 of 2018 of such nature was allowed by this Court on 13th July 2018. However, he could not travel during that period and hence he has filed this second application.

3. We have considered the Criminal Application so also the earlier order passed by this Court to allow this Criminal Application. Due to compelling circumstances he could not avail of the facility of going to Hajj as per the earlier order and hence he now seeking permission to travel Umrah. In view of this, we allow this Criminal Application with following order :-

- (i) The Applicant – Original Accused No.2 is allowed to travel to Umrah for 20 days during the period of 1st October 2018 to 10th November 2018.

(ii) The Applicant – Original Accused No.2 shall return latest by 10th November 2018 and shall report to the Special Court on 12th November 2018 and shall return the Pass-port bearing No. Z 4953661 to the Registrar (Judicial-I), High Court, Bombay and the Special Court constituted under the POTA on 12th November 2018.

(iii) The Applicant – Original Accused No.2 shall furnish the address of his residence at Umrah and the itinerary of his travel and stay to the Crime Branch.

4. The Criminal Application is disposed of accordingly.

(MRS. MRIDULA BHATKAR,J.)

(S.S. SHINDE, J.)

Jyoti
Prakash
Pawar

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