

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

CRIMINAL APPLICATION NO. 1081 OF 2018

Ness Nusli WadiaApplicant

V/s.

The State of MaharashtraRespondent

Mr. Abad Ponda i/b. Ashish Raghuvanshi for the applicant.

Mrs. J.S. Lohkare, APP for the State.

Mr. J.K. Kapse, PSI, Marine Drive Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 14th SEPTEMBER, 2018.

P.C.:

. Not on board. Upon mentioning, taken on production board.

2. By order dated 20th February, 2018 in Bail Application No.81/BA/2018 in C.R.No.70/2014 of Marine Drive Police Station, the learned Additional Chief Metropolitan Magistrate, 8th Court, Esplanade, Mumbai had granted bail to the applicant herein. One of the conditions imposed on the applicant was that the applicant shall not leave India without prior permission of the Court. It appears that subsequent to the said order, the applicant had travelled abroad with the permission of the Court. By order dated 27th July, 2018, the applicant was also permitted to travel to Hongkong and Bali from

10/08/2018 and to Singapore from 11/09/2018 to 25/09/2018. By application dated 07/09/2018, the applicant had stated that the meeting scheduled in Singapore has been cancelled and instead of Singapore, he desires to travel to Phuket-Thailand on family vacation during the period from 11/09/2018 to 25/09/2018. The applicant had also given the address and his contact details of Phuket-Thailand. It is seen that the Investigation Officer had given NOC. However, the learned Trial Judge has rejected the said application solely on the ground that it had no jurisdiction to alter or amend the order.

3. It is to be noted that the applicant has already been granted permission to travel abroad. Only change which is sought is that instead of travel to Singapore, the applicant now wants to travel to Phuket-Thailand. The learned APP also don't have objection to the applicant to travel Phuket-Thailand as per the schedule.

4. Considering this fact and also considering the fact that the applicant has earlier travelled and returned to India without violating the earlier terms and conditions, in my considered view, there is no reason to reject his application. Hence, application is allowed.

5. The applicant is permitted to travel to Phuket-Thailand from 14/09/2018 to 25/09/2018 on the same terms and conditions as imposed in the earlier order dated 27/07/2018.
6. The application shall stand disposed of in the above terms.
7. Parties to act on an authenticated copy of this order.

(SMT. ANUJA PRABHUDESSAI, J.)