

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

**CRIMINAL APPLICATION NO. 1196 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO. 768 OF 2015**

Iliyas Beg	... Applicant
Vs.	
State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO. 1197 OF 2018
IN**

CRIMINAL APPLICATION NO. 414 OF 2015

Ayesha Iliyas Beg	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Arun Rajput i/by Ms. Anjali Patil for the applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.
Mr. Shaikh, PSI, Kasturba Marg, is present.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 15th OCTOBER, 2018.

P.C.

1. Applicants in both these applications are seeking permission to travel abroad from 15th October, 2018 to 31st May, 2019. The applicant in Criminal Application No. 1196 of 2018 was granted anticipatory bail by this Court by order dated 2nd June, 2015 passed in Anticipatory Bail Application No. 768 of 2015, wheres

the applicant in Criminal Application No. 1197 of 2018 was granted by the Sessions Court on 26th May, 2015 in Anticipatory Bail Application No.256 of 2015.

2. While allowing anticipatory bail applications, one of the conditions imposed by this Court as well as Sessions Court is that the applicants shall not leave the country without prior permission of the Court.

3. Thereafter, both the applicants have preferred applications seeking permission to travel abroad viz Bahrain before this Court from time to time and the permission was granted to them. The order granting such permissions are annexed to these applications.

4. The applicants are husband and wife. They are being prosecuted for the offences punishable under Sections 498(A), 406, 377, 504, 506 read with 34 of Indian Penal Code and Section 66(e) of Information and Technology Act. The chargesheet is filed and proceedings are pending before the concerned Court.

5. Learned counsel for the applicants submitted that the applicants are Bahrain and on account of proceedings initiated by the daughter in law they are in India in accordance with condition imposed while granting anticipatory bail. It is submitted that applicants needs to travel Bahrain from 15th October, 2018 to 31st

May, 2019. It is submitted that similar reliefs were granted on earlier occasions. It is submitted that complainant registered the criminal case against the applicants and complainant herself has left for Bahrain and doing the job under a Saloon at Bahrain, she had not appeared before the trial Court. It is further submitted that last date before trial court was on 17th September, 2018. The court was not available for judicial work and case is now adjourned to 13th June, 2019. On the earlier date of hearing, the complainant was not present before the trial court. It is further submitted that pass-port of the applicant in Criminal Application No. 1197 of 2018 is in the custody of the trial Court and on earlier occasions when the permission was granted to the said applicant to travel abroad, the passport was handed over to her and passport is again re-deposited before the trial Court after she returned to India and it is in the custody of the Court.

5. I have perused the order passed by this Court. The applicants were granted permission to travel to Bahrain on several occasions and said orders were complied by the applicants and they have returned back to India and were attending the trial Court proceedings. The trial Court has not proceeded, further although the charge has been framed. In the light of aforesaid

circumstances, permission as prayed for in this application can be granted.

ORDER

- i. Applicants in Criminal Application No. 1196 of 2018 and Criminal Application No. 1197 of 2017 are permitted to travel abroad i.e Bahrain for a period from 15th October, 2018 to 31st May, 2019;
- ii. The pass-port of applicant in Criminal Application No. 1197 of 2018 is in the custody of the trial Court be handed over to the said applicant. After the applicant returns to India, the pass-port be deposited before the trial Court within one week after she returns to India;
- iii. Applicant shall give itinerary and all other details for the period for which they were travelling abroad to the trial Court at the time of taking possession of the pass-port;
- iv. Criminal Applications stand disposed off.

Digitally signed
by Sachidanand
Kuttan Nair
Date:
2018.10.16
15:41:47
+0530

(PRAKASH D. NAIK, J.)