

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 689 of 2019

- Abhinav Sharma S/o Anand Sharma, Aged About 32 Years, R/o House No.8, Krishna Sakha Society, D.D.U. Nagar, Rohnipuram Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station, Mahila Thana, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Petitioners – Mr. Goutam Khetrapal, Advocate.

For State/Respondent – Ms. Akansha Jain, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-09-2019

Heard.

1. This petition has been brought praying for modification of condition No.2 and 3 in the bail order granted by the trial Court.
2. It is submitted that the petitioner was granted bail by the trial Court by order dated 21-06-2019 imposing conditions. The condition No.2 has been imposed that the petitioner shall give appearance before the Court on every date fixed for hearing at 11:00 a.m. In the condition No.3 the trial Court has imposed condition that the petitioner shall not leave the country without prior permission of the Court and if the Court receives any complaint in this respect then the bail granted to him shall be automatically cancelled.
3. In compliance of the condition imposed by the Court below the petitioner has furnished bail bonds and thereafter has also deposited his passport. As the petitioner is looking for prospects of further study abroad and therefore he has to leave this country from 16th of September, 2019 for a week, hence, it is prayed that the conditions imposed by the trial Court be modified to that extent.
4. Learned counsel for the State opposes the petition submitting that the conditions imposed by the trial Court are not at all harsh in any manner

because the conditions itself states that the petitioner shall have at liberty to leave the country with the prior permission of the Court. Further, there is no condition for depositing passport. Therefore, the petition may be dismissed.

5. Heard learned counsel for the parties and perused the documents.

6. Learned counsel for the petitioner placed reliance on the judgment of Punjab and Haryana High Court delivered in the matter of **Capt. Anila Bhatia v. State of Haryana**, 2018 SCC OnLine P&H 5279 and judgment of this Court in the matter of **Pushpal Swarnkar v. State of Chhattisgarh** passed in Criminal Revision No.715 of 2008 decided on 03-12-2008. In both these judgments it has been held that any Court granting bail is not empowered to impound the passport of the person concerned. Therefore, any condition imposed in that respect could not be within the purview of the law.

7. After considering on the submissions made by both the sides, it is found that there is no condition imposed by the Court below for depositing passport, however, the petitioner has deposited the same in the Court which may be returned to him on his request and as there is direction that there shall be a requirement of formal permission of the trial Court, therefore, the petitioner shall also be at liberty to seek formal permission of the trial Court.

8. Therefore, the petition is disposed off with direction that the petitioner shall approach the trial Court and make a prayer for releasing his passport from the custody of the Court and also for leaving the country for a period to be mentioned in the application and on that the trial Court is directed to decide the application on the basis of observation made by this Court in this order.

Sd/-
(Rajendra Chandra Singh Samant)
Judge