

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.979 OF 2019

IN

CRIMINAL APPEAL NO.303 OF 2016

Mr.Hasib Zubeir Mulla ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

WITH

CRIMINAL APPEAL NO.341 OF 2016

Gulab Akbar Abddul Sattar Khotal ... **Appellant**

V/s.

The State of Maharashtra ... **Respondent**

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

Ms.Rohini Salian, Special PP with Mrs.M.M.Deshmukh, APP for
the Respondent/State.

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**CORAM : INDRAJIT MAHANTY &
A.M.BADAR JJ.**

DATED : 27st JUNE 2019.

P.C. :

1 This is an application by the applicant/convict accused
for permitting him to obtain passport and for allowing him to
travel to Saudi Arabia to perform Umrah for the period of 20 days
in the month of September to October 2019.

2 Heard the learned Counsel appearing for the applicant/convicted accused. She argued that the applicant/convicted accused has already been released on bail by this Court after his conviction under Section 4(a) of the Prevention of Terrorist Act, 2002, Sections 3 and 7 read with Section 25(1-A) and Sections 3 and 7 read with Section 25(1-A)(a) of the Arms Act, 1959 etc. It is further submitted that the applicant/convicted accused has abide by the terms and conditions imposed on him vide Order dated 3rd August 2016 by this Court while releasing him on bail and now he wants to attend religious pilgrimage of holy place of *Mecca* and *Madena* in Saudi Arabia to perform religious obligation and prayer.

3 The learned Special Prosecutor fairly submitted that the prosecution has no objection for grant of this application as other similarly convicted accused/appellants are granted such relief by this Court.

4 In this view of the matter, the following Order :

ORDER

- (i) The applicant/convicted accused is permitted to have the passport issued as per Rules and Regulations for the said purpose by the Regional Passport Authority.
- (ii) Similarly, he is permitted to travel to Saudi Arabia to

perform Umrah for the period of 20 days in the month of September-October 2019.

- (iii) The applicant/convicted accused shall submit his tour itinerary to the prosecuting agency and shall strictly abide by the same.
- (iv) The applicant/convicted accused shall inform his contact number to the prosecuting agency.
- (v) He shall submit photo copy of the passport to the prosecuting agency before leaving for foreign country and on return he shall deposit the passport in terms of Order of this Court dated 3rd August 2016.
- (vi) The application is accordingly disposed of.
- (vii) Needless to mention that the terms and conditions imposed vide Order dated 3rd August 2016, releasing the applicant/convicted accused shall stand suspended during the period of pilgrimage.

(A.M.BADAR, J.)

(INDRAJIT MAHANTY, J.)