

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

**CRIMINAL WRIT PETITION NO.1822 OF 2021**

|                             |                |
|-----------------------------|----------------|
| Rajesh Kumar                | ...Petitioner  |
| V/s.                        |                |
| State of Maharashtra & Anr. | ...Respondents |

Mr. Sunny Punamiya a/w Ms. Kinnari Mehta for Petitioner.  
Mr. Sooraj Hulke, APP for Respondent No.1 (State).

**CORAM : A. S. GADKARI, J.**  
**DATE : 28<sup>th</sup> APRIL, 2021.**

**P.C.:**

1. By the present Petition the Petitioner seeks to quash and set aside the condition Nos.2 and 3 imposed upon him by an Order dated 5<sup>th</sup> November 2020, passed by the learned 2<sup>nd</sup> Jt. C.J.J.D. & J.M.F.C., Ulhasnagar, below Exh.-1 in O.M.A. No.421 of 2020. By the impugned Order, trial Court has permitted the Petitioner to travel to the United States of America (for short "USA") by imposing the following two conditions i.e. condition Nos.2 and 3 which reads thus:

2. The Applicant is allow to travel to USA for a period of four weeks.
3. The Applicant will leave this country within a period of one week from today and be positively back within four weeks from the date on which he leave subject to

solvent surety be given for a sum of Rs.1,00,000/- in this Court.

2. It is to be noted here that, this Court by a speaking Order of even date passed in Writ Petition No.1820 of 2021, while allowing the said Petition, has permitted the present Petitioner to furnish surety to be given by Mr. Jitesh Gehnani.

In view thereof, the Petitioner again in the present Petition need not furnish separate solvent surety for a sum of Rs.1,00,000/- before the learned Judicial Magistrate First Class at Ulhasnagar.

3. In view of the condition imposed upon the Petitioner in Writ Petition No.1822 of 2021, the conditions No.2 and 3 are set aside and the Applicant is permitted to travel to USA for a period of six weeks as per the conditions imposed upon him in Writ Petition No.1820 of 2021.

4. Petition is allowed, in the aforesaid terms.

**(A. S. GADKARI, J.)**