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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Writ Petition No. 3613 / 2021

Geeta Satish Kapur .. **Petitioner**

Versus.

The State of Maharashtra .. **Respondent**

Mr. Sachin B. Shetye i/by Mr. Irfan A. Shaikh,
Advocate for the Petitioner.

Mr. A.R. Patil, APP for State.

Mr. J.P. Sawant, P.S.I. Versova Police Station.

CORAM : SANDEEP K. SHINDE J.

DATE : 11th OCTOBER, 2021.

P.C. : -

Heard. Mr. Shetye, learned Counsel for the
Petitioner and Mr. Patil, learned Prosecutor for
State.

1. The Petitioner is accused in Criminal Case
No.1058/PS/2016 pending before learned Metropolitan
Magistrate, 44th Court, Andheri, Mumbai, which arose

from the Crime No. 83/2015 registered against her under Section 279 and 338 of the Indian Penal Code, 1860. Both, these offences are bailable. This Court in Writ Petition No. 1956/2015 vide order dated 14th October, 2016 directed the Prosecution not to take further steps on the basis of charge-sheet filed in connection with the crime in question. Pending Writ Petition, Petitioner-accused moved an application seeking a direction to Passport Authorities to renew her passport. The learned Magistrate directed Passport Authorities to renew the passport as per Rules, but at once imposed the condition that Applicant shall take prior permission of the Court before travelling abroad. This condition is challenged in this petition.

2. Admittedly, offences registered against the Petitioner, were bailable and this Court in Writ Petition No.1956/2015 has stayed the trial in C.C. No.1058/PS/2016 in terms of Paragraph No.6 of the order dated 14th October, 2016. Thus condition that

Applicant shall take permission before travelling abroad is inequitable and not just.

3. In consideration of these facts, the impugned condition no.4 imposed vide order dated 28th June, 2021 in C.C. No.1058/PS/2016 being indefensible and unjust, it is quashed and set aside. Petition is allowed in the aforesaid terms and disposed of.

(SANDEEP K. SHINDE, J.)