

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

CRIMINAL WRIT PETITION NO. 877 OF 2018

Muskan @ Deepali Kishore Singh

Petitioner

Versus

State of Maharashtra and Anr.

Respondents

Mr. Vatsal Thakkar i/by Mr. Amol A. Patankar, Advocate for the Petitioner.

Mr. Arfan Sait, APP for the Respondent No.1-State.

PSI Vijay Mhatre, Oshiwara Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 1st July 2022

PC :

1. The petitioner was arraigned as accused in C.R. No. 68 of 2015 registered with Oshiwara Police Station, Mumbai for offences punishable under Sections 306, 354(A), 504, 506 of the Indian Penal Code (for short "IPC").

2. The petitioner preferred an application for anticipatory bail before the Sessions Court, which was allowed by order dated 01.07.2015. The petitioner was directed not to leave India without prior permission of the Court

3. The brother of petitioner was prime accused in C.R. No. 68 of 2015. He was arrested on 21.02.2015. Charge-sheet was filed on 18.05.2015 against him. Case was

numbered as Sessions Case No. 481 of 2015. Subsequently investigation was completed against petitioner and supplementary charge-sheet was filed and the another case number was given as Sessions Case No. 39 of 2016.

4. Police registered separate case against the petitioner vide C.R. No. 295 of 2015 with Oshiwara Police Station for offences punishable under Sections 420, 467, 468, 471 of the IPC and Section 12 of the Passport Act, alleging that petitioner has fake passport. The petitioner was arrested. Vide order dated 14.08.2015, she was granted bail by Court of Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai.

5. The brother of petitioner was granted bail in C.R. No. 68 of 2015 by this Court vide order dated 17.03.2017.

6. The petitioner wanted to have fresh passport. She applied for seeking direction for issuance of fresh passport before the learned Metropolitan Magistrate in C.R. No. 295 of 2015. By order dated 19.01.2017, the Court of learned Metropolitan Magistrate granted permission to the petitioner to get issuance of passport for a period of one year. Similar application was preferred in Sessions Case No.

500 of 2016 arising out of C.R. No. 68 of 2015. Vide order dated 03.01.2018, the said application was rejected by the Sessions Court on the ground that the offence punishable under Sections 420, 427, 468 and 471 of the IPC and Section 12 of the Passport Act, 1967 is registered against the petitioner on the ground that the petitioner had obtained passport by providing forged documents to the Passport Authority and case vide C.R. No. 68 of 2015 for offences under Sections 306, 376, 354-A, 504, 506, 323, 292 of IPC is pending against her.

7. The submission of petitioner is that she was working in Dubai. On leaving about registration of FIR in C.R. No. 68 of 2015 she voluntarily came to India and applied for bail. Similar permission has been granted in another case. Learned advocate for the petitioner has relied upon the decision in the case of **Deepak Dwarkasingh Chhabria Vs. Union of India**¹.

8. Learned APP submitted that the Sessions Court has rejected the application by assigning reasons. Two cases were registered against petitioner.

¹ AIR 1997 BOMBAY 181

9. The petitioner came to India from Dubai when she learnt that the offences were registered against her. She co-operated with the investigation. She was granted anticipatory bail. While granting anticipatory bail, it was observed that the petitioner had come to India on her own. While allowing application for anticipatory bail in C.R. No. 68 of 2015 registered with Oshiwara Police Station, it was directed that she shall not leave India without prior permission of the Court. In C.R. No. 295 of 2015, wherein it is alleged that passport was obtained by providing false documents, the learned Metropolitan Magistrate allowed the application of petitioner to get issuance of passport for one year with undertaking in writing to passport authority that she shall, if required by court concerned, appear before it at any time of required by Court. It is pertinent to note that in C.R. No. 68 of 2015 in which, petitioner is seeking similar direction, the Court while granting anticipatory bail had imposed condition, not to leave India without permission of Court. The said condition shall continue to operate.

10. Considering this fact there would be no impediment in granting permission to apply for issuance of fresh passport for a period of one year.

ORDER

- (i) The petitioner is permitted to apply for fresh passport before Respondent No.2 for a period of one year in accordance with law. If such application is preferred, the application be granted by issuing passport for one year in accordance with rules.
- (ii) Petition stands disposed of.

(PRAKASH D. NAIK, J.)