

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 850 OF 2022

IN

CRIMINAL APPEAL NO. 648 OF 2007

Abdul Rehman Abdul Gafoor Shaikh

...Applicant/Appellant

Versus

The State of Maharashtra

...Respondent

WITH

CRIMINAL APPEAL NO. 616 OF 2007

Abdul Sattar Haji Jivabhai
Radhanpura @ Sattar Teli

...Appellant

Versus

The State of Maharashtra

... Respondent

WITH

CRIMINAL APPEAL NO. 639 OF 2007

Tarik Abdul Karim Parveen
@ Tariq Parveen

... Appellant

Versus

The State of Maharashtra

... Respondent

WITH

CRIMINAL APPEAL NO. 779 OF 2007

The State of Maharashtra

... Appellant

Versus

Iqbal Hassan Ibrahim Kaskar
and @ Arabsaab & Ors.

... Respondents

...

Mr. Rahul Arote for Applicant in IA No. 850 of 2022 in
Appeal No. 648 of 2007.

Ms. G.P. Mulekar, APP for Respondent/State.

...

**CORAM : S. S. SHINDE &
SARANG V. KOTWAL, JJ.**

DATE : 14th MARCH, 2022.

P.C.:

1. Heard learned counsel appearing for the Applicant and learned APP for the State.

2. This application has been filed by the Applicant with a prayer that, the passport of the Applicant bearing No. M9339048 which is presently in the custody of the Registrar of the Sessions Court, Greater Mumbai, be delivered to the Applicant so that, the Applicant can travel to Mecca and Madina in Saudi Arabia.

3. It is an admitted fact that this Court [Coram: A.M. Khanwilkar, J.] by order dated 10th April 2018 in Criminal Application No. 208 of 2008 granted permission to the Applicant to go to very same place for a period of 30 days to perform Umrah. After visiting the said place, the Applicant has returned back. Now, the Applicant is again seeking permission to go to Mecca for performing Umrah.

4. Looking to the fact that earlier also, the Applicant was permitted to go to Mecca and Madina and he returned back, we are inclined

to give permission to the Applicant to go to Mecca and Madina from 26th March 2022 to 10th April 2022 on the Applicant furnishing an undertaking to this Court within one week from today. The undertaking should be to the following effect.

It is informed by the learned counsel appearing for the applicant that, the amount of Rs. 1,00,000/- [One Lakh Only] deposited by him on earlier occasion has not been withdrawn by him. The concern Court to verify the correctness of the statement made by the counsel for the appellant.

i. The passport of the applicant be returned to him for his travel.

ii The applicant is permitted to travel abroad for performing Umrah between 26th March 2022 to 10th April 2022.

iii At the time of taking passport from the Registrar, City Civil & Sessions Court, Greater Bombay, the Applicant shall give undertaking that he will maintain the amount of Rs. 1,00,000/- [Rs. One Lakh Only] which has been already deposited with the Registrar, City Civil & Sessions Court, Greater Bombay. On returning back from Saudi Arabia, the Applicant shall handover his passport within a period of one

week to the Registrar, City Civil & Sessions Court, Greater Bombay. On the passport being returned to the Registrar, City Civil and Sessions Court Mumbai, the amount of Rs. 1,00,000/- be returned back to the Applicant. In case, if undertaking is violated the amount will be forfeited.

iv. Before proceeding to Mecca and Madina, the Applicant will inform the investigating agency the address at which he will reside in Mecca and Madina and contact number on which he can be contacted in Mecca and Madina.

v. On returning back to India, he will redeposit the passport with the Sessions Court.

vi. In addition, the learned counsel for the Applicant stated that, the Applicant will travel alone to Mecca and Madina and not with any of his family members. This statement will also be incorporated in the undertaking.

5. In view of the above, the application is allowed to the aforesaid extent, and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

(S. S. SHINDE, J.)