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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.912 OF 2020**

IN

CRIMINAL APPEAL NO.730 OF 2015

Mr.Omkar Ankush Kapse & Anr.] .. Applicants

vs.

The State of Maharashtra & Anr.] .. Respondents

Mr.Pranav Pokale for Applicant.

Mr.S.S. Hulke, APP for State-Respondent.

Mr.D.P. Singh i/b A.A. Ansari for Respondent No.2..

**CORAM : S.S.SHINDE &
N.R.BORKAR, JJ.**

DATE : 12TH JANUARY, 2022.

P.C.

1] This application is taken out by the appellants in Criminal Appeal No.730 of 2015 *inter alia* praying that the Respondent No.2-Passport Authority be directed to issue Passport to them.

2] The applicants/appellants have filed the aforesaid appeal against their conviction for the offences punishable under Sections 143, 148, 325 read with 149 of the Indian Penal Code.

3] According to the applicants, they have applied to the Passport Authority for issuance of Passport, but due to pendency of the appeal before this Court, no objection of this Court is required for issuance of Passport.

4] The Hon'ble Supreme Court in the case of ***Vangala Kasturi Rangacharyulu vs. Central Bureau of Investigation***¹ has held that passport authority cannot refuse the renewal of the passport on the ground of pendency of the criminal appeal. We therefore, do not see any impediment in allowing the present application. In the result, following order is passed :

- i] Interim application is allowed.
- ii] Respondent No.2 shall issue Passport to the Applicants for the period of 3 years if there is no other impediment.
- iii] It is made clear that the Applicants shall not leave the country without prior permission of this Court.

[N.R.BORKAR, J]

[S.S.SHINDE, J]

1 Criminal Appeal No. 1342 of 2017 dated 27.9.2021