

guarantee that the respondent No.1 would return nor does he have any property.

4. Learned Counsel for the respondent No.1 opposes the application. He submits that no interference is warranted in the impugned order. As far as the apprehension of the learned Counsel for the applicant is concerned, that the respondent No.1 may not return, learned Counsel for the respondent No.1 has tendered an undertaking-cum-affidavit of the respondent No.1. The same is taken on record. In the said undertaking-cum-affidavit, the respondent No.1 has undertaken to return back to India by 31st July, 2022. He has stated in the said undertaking-cum-affidavit that no third party rights have been created in the property i.e. the flat, jointly owned by him and his wife i.e. Flat No.506, 5th Floor, Cristine Height, S. No. 4442/Part, Kanikia Road, Beverly Park, Near EV, Mira Road East, Thane 401 107. He has also undertaken that no third party rights will be created nor will be the said flat be sold till his return back to India i.e. till 31st July, 2022.

5. Perused the papers. The applicant was granted pre-arrest bail in connection with the aforesaid C.R. i.e. C.R.No.104 of 2021 registered with the Parksite Police Station, Mumbai, for the alleged offences punishable under Sections 420 and 406 of the Indian Penal Code. Whilst

allowing the said application vide order dated 28th October, 2021, the learned Sessions Judge directed the respondent No.1 to furnish his detailed address, telephone number etc. and had also imposed a condition that he will not leave India without the prior permission of the Court. As the respondent No.1 intended to travel abroad, he filed an application and sought permission to travel abroad. The said application was allowed by the learned Sessions Judge. The operative part of the order reads thus;

- “1. Application is hereby allowed.*
- 2. Applicant Gajendra Padam Singh Thakur is permitted to travel abroad at West Africa from 15/03/2022 to 31/07/2022.*
- 3. Applicant is directed to provide all his details and journey tickets to the I.O. alongwith his mobile number available at West Africa and his detail address of West Africa before leaving India.*
- 4. Application disposed off accordingly.”*

6. The apprehension of the applicant is that the respondent No.1 may not return. The respondent No.1, as stated aforesaid, has filed an undertaking which is taken on record. He has undertaken to return to India by 31st July, 2022. He has also undertaken not to create third party rights in the flat which is owned by him and his wife.

7. Considering the aforesaid, no interference is warranted in the order impugned in the present petition i.e. order dated 10th March, 2022.

8. Application is accordingly disposed of on the aforesaid terms.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.