

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO.441 OF 2022

Lalitkumar Kersarimal Jain ...Applicant  
vs.  
The State of Maharashtra and Another ...Respondents

Mr. Aabad Ponda, Senior Advocate a/w. Mr. Sobhash Jadhav and  
Mr. Amit Patil i/b. Parinam Law Associates, for the Applicant.  
Ms. Anamika Malhotra, APP for the State.

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**CORAM : N. J. JAMADAR, J.**  
**DATE : MAY 04, 2022**

**P.C.:**

1. Heard the learned counsel for the applicant and learned APP for the State.
2. By an order dated 26<sup>th</sup> December, 2020 the applicant and his son Pranay Jain were released on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- each and a surety in the like amount. They were directed to surrender their passports with the investigating officer. By an order dated 12<sup>th</sup> January, 2022 the bail order of the applicant's son Pranay came to be modified and the condition of depositing the passport with the investigating officer was deleted with a direction to the investigating officer to return the passport to Mr. Pranay. However, the application preferred by the applicant was not allowed in full measure. The same dispensation was not given to the applicant. The applicant was directed to surrender the passport to the investigating officer after returning from abroad to India,

within a week.

3. Being aggrieved, the applicant has preferred this application.
4. The learned senior counsel submitted that there is no reason to make the discrimination between the applicant and his son Pranay. The learned senior counsel further submitted that whenever the applicant travels abroad, in future, the applicant would furnish necessary particulars including the itinerary to the investigating officer.
5. The learned APP submits that the aforesaid stand of the applicant is reasonable.
6. In any event, since a common bail order was passed, there does not seem any qualitative difference for not giving the same dispensation, and to discriminate against the applicant. Hence, clause 6 of operative order dated 4th March, 2022 stands modified.
7. The applicant need not surrender the passport on his return to India.
8. However, the applicant shall furnish the particulars of travel abroad, a week in advance, with detail itinerary.
9. The applicant shall also intimate the investigating officer on his return to India within a week of landing in India.
10. Application stands disposed of.

**(N. J. JAMADAR, J.)**