

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

**CRIMINAL APPLICATION NO. 241 OF 2019**

Viquar Jainuddin Shaikh  
Versus  
The State Of Maharashtra

...Applicant  
...Respondent

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Ms. Shradha Sawant for applicant.  
Mr. N.B. Patil, APP for State.  
API Jotiram Vhanmane, Kasarwadavali Police Station is present.

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**CORAM: M. S. KARNIK, J**

**DATED: DECEMBER 14, 2022**

**PC:-**

1. Heard learned counsel for the applicant.
2. This is an application for modification of the order dated 30/03/2017 passed by the learned Sessions Court granting bail to the applicant. One of the condition of the order i.e. prayer (c) was that applicant's Passport shall be surrendered to the concerned officer of Kasarvadavali Police Station and it be kept in safe custody until further orders. The applicant's request was rejected by the learned Sessions Court, Thane vide order dated

02/05/2018.

**3.** The learned counsel for the applicant submits that when the applicant was arrested on 29/11/2016, he lost his job. He is now again employed in 'eClerx Services Limited' vide appointment letter dated 11/05/2021. The job requirement is that he may at times be required to go abroad for assignment as directed by the company. Learned APP vehemently opposed the request, as according to him, if the passport is returned, the applicant may not come back and face trial. The offence for which the applicant is charged is under section 306 of the Indian Penal Code, 1960.

**4.** I have gone through the order of the learned Sessions Court granting bail to the applicant. The applicant before releasing on bail, was in custody for around 4 months. The order granting him bail was passed on 30/03/2017. The trial has not progressed since then. There is no allegation that the applicant has not abided by the conditions imposed on him while he was on bail. In this view of the matter, having regard to the distance of time since he has been granted bail and considering his job requirements, further there is no possibility of the trial concluding any time soon, it would be in the interest of the justice if the passport be handed

over to the applicant, subject to the following conditions.

i. If the applicant is seeking renewal of the passport he may be handed over the passport for the purpose of renewal and after the passport is renewed he shall re-submit the same to the Investigating Officer.

ii. If the applicant's employer wants to send the applicant abroad, the itinerary to that effect under the signature of the authorised person of the company may be submitted to the Investigating Officer, indicating the date of the travel and date of return.

iii. Further, passport in such case would be handed over to the applicant and upon his return, the applicant shall re-submit the passport to the Investigating Officer.

iv. Applicant to abide by the other conditions mentioned in the order passed on 30/03/2017.

**5.** An oral request is made by the learned counsel of the applicant that the applicant instead of attending on the first Monday of each month between 11.00 am to 5.00 pm, he may be permitted to attend on the first Sunday of each month between 11.00 am to 12.00 noon. The request is reasonable, considering

the distance of time since he has been granted bail and the applicant has abided by conditions imposed.

**6.** Application is disposed of.

**(M. S. KARNIK, J.)**