

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

CRIMINAL WRIT PETITION NO. 6629 OF 2021

Ravideep Singh

...Petitioner

Versus

State of Maharashtra

...Respondent

Ms. Madhavi Tavanandi for the Petitioner

Ms. Veera Shinde, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
TUESDAY, 11th JANUARY 2022

P.C. :

1 Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives service on behalf of respondent–State.

3 By this petition, the petitioner has impugned the order dated 17th November 2021 passed by the learned Additional Sessions Judge, Pune below Criminal Misc. Application No. 299/2021, by which the learned

Judge rejected the petitioner's application seeking return of his passport bearing No. R0921619 on the ground that he wanted to travel to Germany in connection with his job.

4 Learned counsel for the petitioner submits that the learned Judge has wrongly recorded in para 9 of the impugned order that there is a variance in the passport details mentioned by the petitioner and the details mentioned in the seizure panchanama. She submits that the said application has been rejected only on the ground that there was absence of necessary details in respect of petitioner's passport to tally the contents mentioned in the seizure panchanama.

5 Learned A.P.P, on instructions, states that the details given by the petitioner i.e. the details of his passport tally with the passport seized by the police during investigation.

6 Perused the papers. The petitioner is arraigned as an accused in connection with C.R. No. 1437/2020 registered with the Sahakarnagar Police Station, Pune, for the alleged offences punishable under Sections 498-A, 354, 377, 504, 506 r/w 34 of the Indian Penal Code as well as under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act. It is not in dispute that the petitioner has been granted anticipatory bail.

7 Learned A.P.P states that the petitioner had handed over the passport on his arrival to India from Germany. Learned A.P.P. does not dispute the fact that there is no order passed by any Court directing the petitioner to hand over his passport or not to leave the Country.

8 During the course of hearing of the aforesaid petition, the petitioner had tendered two affidavits-cum-undertaking dated 6th January 2022 and 10th January 2022. The same were taken on record. The petitioner in the said affidavits-cum-undertaking, has undertaken to remain present and participate during trial either through video conferencing, or through any other electronic media i.e. zoom/webex/vidyo, etc. prescribed under the law. The petitioner has also undertaken to remain present during the hearing, if so directed by the trial Court. The petitioner to abide by the said affidavits-cum-undertaking.

9 Considering the aforesaid, there is no impediment in allowing the petition. Accordingly, the petition is allowed. The impugned order dated 17th November 2021 passed by the Additional Sessions Judge, Pune

below Criminal Misc. Application No.299/2021 is quashed and set-aside. The police authorities i.e. the police of the Sahakarnagar Police Station to handover the passport bearing No. R0921619 to the petitioner, forthwith.

10 Rule is made absolute on the aforesaid terms. The petition is accordingly disposed of.

11 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.