

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPP) NO. 1759 OF 2022
IN
CRIMINAL APPLICATION (ABA) NO. 857 OF 2019
Nikunj S/o. Ramakant Harlalka. .Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr Vinay Sharma, Advocate for the applicant
Mr Amit Chutke, APP for State

CORAM : G.A. SANAP, J.
DATE : NOVEMBER 15, 2022.

The applicant- Nishant S/o. Ramakant Harlalka, who is accused No. 3 accused in Regular Criminal Case No. 723 of 2021 pending on the file of learned Judicial Magistrate First Class, Shegaon, has made this application seeking permission to allow him to travel to Kathmandu (Nepal) from 19.11.2022 to 22.11.2022. The necessary facts have been stated in the application. The relevant documents are annexed with the application.

2. I have heard the learned Advocate for the applicant and the learned APP for the State. The learned APP has opposed the application without filing the reply.

3. This applicant with remaining two accused were

granted anticipatory bail by this Court (CORAM: PUSHPA V. GANEDIWALA) vide order dated 21.01.2021. One of the conditions imposed depending upon the peculiar nature of the facts was that they shall not leave the country without permission of this Court. It is stated that the accused persons have made application bearing No. 1730 of 2022 for relaxation of this condition. It is submitted that the pleadings in the said application are not complete and therefore, considering the urgency, this application has been made. It is pointed out that the similar application made by all the accused was granted by this Court (CORAM: ANIL S. KILOR, J.) vide order dated 02.05.2022. I have gone through this order. It is to be noted that there is no grievance by the prosecution with regard to the misuse of the permission granted by this Court vide order dated 02.05.2022 to all the accused to travel abroad.

4. In my view, therefore, for the reasons stated in the application and the circumstances and the law taken into consideration in order dated 02.05.2022 I do not see any reason to reject this application.

5. Accordingly, the application is allowed. The applicant /accused No.3 is permitted to travel abroad i.e. from Mumbai (India) to Kathmandu (Nepal) from 19.11.2022 to 22.11.2022.

6. The application stands disposed of accordingly.
7. Authenticated copy of this order be provided to the advocate for the applicant.

CRIMINAL APPLICATION NO.1730 of 2022.

8. This application be kept after two weeks for filing reply by prosecution.

(G. A. SANAP, J.)

Namrata