

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 CRIMINAL APPLICATION NO.857 OF 2023
IN APPEAL/295/2022

IMRAN AYYAZ SHAIKH

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. S.G. Magre, Advocate for applicant

Mr. R.V. Dasalkar, APP for respondent

...

CORAM : SMT. VIBHA KANKANWADI AND
Y.G. KHOBRADE, JJ.

DATE : 13th MARCH, 2023

PER COURT :

1 Present application has been filed by the original accused No.1 for permitting him to travel to Haj at Saudi Arabia as pilgrim.

2 Heard learned Advocate Mr. S.G. Magre for the applicant and learned APP Mr. R.V. Dasalkar for respondent.

3 The applicant is convicted by learned Additional Sessions Judge, Ahmednagar on 31.03.2022 in Sessions Case No.158/2018 for the offence punishable under Section 307 of the Indian Penal Code and under Section 4

punishable under Section 25 of the Indian Arms Act. This Court has released the applicant on bail by suspending the sentence. He submits that his mother who is 75 years old intends to go for Haj Pilgrimage and as an attendant even the applicant wants to go with her.

4 Another case is pending against appellant/applicant i.e. Regular Criminal Case No.1158/2022 and it is before learned Chief Judicial Magistrate, Ahmednagar, in which he had prayed for such application and it appears that by order dated 09.03.2023 learned Chief Judicial Magistrate, Ahmednagar had granted him the permission. The applicant has produced on record the circular of Haj Policy – 2023, rules regarding passport etc. and also the action plan for Haj – 2023. He has produced the Aadhar copy of his mother. Taking into consideration all these aspects, though learned APP submits that stringent conditions be imposed and it does not require six months to the applicant to finish the pilgrimage, we would like to partly allow the application with conditions. Hence, following order.

ORDER

1 Criminal Application stands partly allowed.

2 The applicant is permitted to travel to Haj at Saudi Arabia as

pilgrim from 18.05.2023 in whichever quota he is placed till 06.08.2023.

3 The appellant to produce his Aadhar card copy and also the bank details copies, within a period of one week, before this Court.

4 He should report before the learned Chief Judicial Magistrate, Ahmednagar where Regular Criminal Case No.1158/2022 is still pending against him on 07.08.2023.

5 Application stands disposed of accordingly.

(Y.G. Khobragade, J.)

(Smt. Vibha Kankanwadi, J.)

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