

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1922 OF 2023

IN

CRIMINAL BAIL APPLICATION NO. 190 OF 2019

Mehul Jayant Patel

... Applicant

V/s.

State of Maharashtra

... Respondent

.....

Mr. Prashant Thombre, Advocate for Applicant.

Mr. Amit A. Palkar, APP for Respondent-State.

PSI – S.A.Pawar, Juhu Police Station present.

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CORAM : G. A. SANAP, J.

DATE : 3rd NOVEMBER, 2023

P C:-

1. Heard.

2. The applicant/accused is released on bail as per order dated 29.08.2019. As per the condition No.4 (iv) the applicant was directed to deposit his passport in the Trial Court. Accordingly, he has deposited his passport in the Trial Court.

3. The applicant/accused made an application before the Trial Court for return of the passport for the purpose of obtaining new passport on the basis of his old passport. Learned Magistrate vide order dated 07.07.2020 has rejected his application on the ground

that the passport was deposited in terms of the conditions imposed by the High Court and therefore it would not be within the powers of the Trial Court to return the passport.

4. Learned Advocate for the applicant/accused submits that the passport is required for the purpose of renewal and/ or for the purpose of obtaining new passport from his old passport.

5. Learned Advocate submits that on renewal of passport or on receipt of new passport he will deposit to the same in the Trial Court. In my view, this right of the accused cannot be denied. Accordingly, the Application is allowed. The passport deposited in the Trial Court be returned to him for the purpose of renewal and/or for the purpose of obtaining new passport. The applicant/accused immediately on the next date of the renewal of the passport or on the receipt of the new passport on the basis of old passport shall deposit the same in the Trial Court. If he commits breach of conditions, his bail stands automatically cancelled.

6. Interim Application is disposed of.

(G. A. SANAP, J.)

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