

VRJ

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

**INTERIM APPLICATION NO.2149 OF 2023
IN
CRIMINAL APPEAL NO.297 of 2011**

VAIBHAV
RAMESH
JADHAV
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VAIBHAV RAMESH
JADHAV
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Shiney Suraj Ahuja ... Applicant

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Karamsingh B. Rajput for the applicant.

Ms. Rutuja Ambekar, APP for the respondent/State.

Mr. S. K. Halwasia, APP for respondent Nos.2 & 3.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 8, 2023

P.C.:

1. The applicant who has been convicted by trial Court by order dated 30th March 2011 for offence punishable under section 376 of the Indian Penal Code, 1860, is directed to undergo imprisonment for period of seven years.

2. In an appeal challenging the conviction and sentence imposed by the trial Court, the applicant filed application for bail which came to be allowed by order dated 27th April 2011. One of the condition imposed while releasing the applicant on bail is that the applicant shall not leave India without permission of this Court. This Court, thereafter, on 5th December 2011 permitted the applicant to travel abroad as and when necessary but only after giving complete itinerary, addresses of the places where he

proposes to visit and stay and his contact numbers abroad. This Court directed passport to be returned to the applicant.

3. According to the applicant, renewal of the passport for period of one year is causing unnecessary hardship as some countries do not allow citizen of India carrying passport of validity of less than six months to stay in that country.

4. It appears that during pendency of present appeal passport of the applicant has been renewed six times. It is, therefore, unlikely that the applicant carries flight risk.

5. Considering the fact that during pendency of present appeal passport was renewed on more than six occasions and there is no violation of bail conditions, the applicant has made out a case for direction to the passport authority to renew the applicant's passport, provided he is otherwise liable for renewal of passport for ten years. Hence, following order:

Respondent Nos.2 and 3 are directed that the application of the applicant for renewal of passport for period of ten years shall not be rejected on the ground of pendency of the present appeal, provided the applicant is otherwise eligible for renewal of passport.

6. The interim application stands disposed of.

(AMIT BORKAR, J.)