

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

ANTICIPATORY BAIL APPLICATION NO. 1904 OF 2023

Mr. Abdul Hamid Patel	... Applicant
v/s.	
The Investigating Officer, Bandra Police Station and ors.	 Respondents

Mr. Charanjeet S. Chanderpal a/w. Mr. Kiran Sharma
for the Applicant.
Mr. S.H. Yadav, APP for the State.
Mr. Dilip Sawant, PSI, Bandra Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th JULY, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC filed by the aforesaid Applicant, apprehending his arrest in C.R.No.886/2023 registered with Bandra Police Station, Mumbai for offences punishable under sections 354-C, 509 of the Indian Penal Code and section 66e of Information Technology Act. The Applicant prays that he be granted Anticipatory Bail without imposing any restriction to travel abroad and other related conditions. In the alternative, the Applicant has sought modification of the terms and conditions imposed by the learned Sessions Judge vide order dated 22/06/2023 in ABA No.1383/2023 particularly the restriction to travel without permission of the Court.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records reveal that the Applicant had already filed an Application for pre-arrest bail being Anticipatory Bail Application No.1383/2023 before the learned Sessions Judge, Greater Mumbai. The said Application was allowed on 22/06/2023 with the following conditions :-

(a) Applicant shall attend Bandra Police Station on 1st and 3rd Saturday of every month in between 3.00 p.m. to 5.00 p.m. till filing of the charge-sheet.

(b) Applicant shall not contact to the original complainant and prosecution witnesses and shall not pressurize them, in any manner and shall not tamper with prosecution evidence.

(c) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to to dissuade them from disclosing such facts to the Court or to any police officer.

(d) Applicant shall not leave India without prior permission of the Court.

(e) Applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.

(f) Applicant shall not change his residential

address without prior intimation to the Investigating Officer and to the concerned Court.

(g) If the applicant disobeyed any of the above condition, the prosecution is at liberty to move the Court for cancellation of anticipatory bail. ”

4. Since the Applicant is already granted pre-arrest bail, there is no question of invoking concurrent jurisdiction of this Court under section 438 of Cr.P.C. The grievance of the Applicant is in respect of the conditions imposed by the learned Sessions Judge particularly condition nos.(a) and (d) of paragraph 2 whereby the Applicant is required to attend Bandra Police Station on 1st and 3rd Saturday of every month till filing of the charge-sheet and restriction on his travel abroad without prior permission of the Court.

5. It is to be noted that the learned Sessions Judge has not imposed absolute restriction on his travel abroad. The learned Sessions Judge has stated that the Applicant shall not leave India without prior permission of the Court. This condition as well as the condition to attend police station, cannot be considered to be onerous, particularly considering the fact that the charge sheet is not yet filed. Moreover, if the Applicant intends to travel abroad, nothing prevents him from seeking permission from the Sessions Court rather than seeking pre-

arrest bail without any condition. The Applicant has alternative remedy of approaching the Sessions Court to seek permission to travel abroad.

6. In view of the above facts and circumstances, I am not inclined to entertain this Application. Hence, the Application is dismissed. In the event any such request is made before the learned Sessions Judge, Greater Mumbai, the same shall be considered expeditiously.

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JAYANI

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Date: 2023.07.11
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(SMT. ANUJA PRABHUDESSAI, J.)