

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3577 OF 2023
IN
APPEAL NO. 281 OF 2016**

Ateef Nasir Mulla	...Applicant/Appellant
Versus	
The State of Maharashtra	...Respondent

Ms Tahera Abdul Rashid Qureshi for the Applicant.
Smt. M.M. Deshmukh, APP for the Respondent/State.

CORAM	:	NITIN W. SAMBRE & N. R. BORKAR, JJ.
DATE	:	20 OCTOBER, 2023.

PC:-

1. The applicant, who is the appellant in Criminal Appeal No. 281 of 2016, which he has filed against the judgment and order of conviction *inter alia* for the offence punishable under Section 4(a) of the Prevention of Terrorism Act, by this application seeks the following reliefs:

“(a) This Hon’ble Court may be pleased to grant permission to Applicant to travel Saudi Arabia for a period of 15 days between 08.11.2023 to 28.11.2023 to perform Umrah Pilgrim.

(b) To direct the Special Court constituted under the provision of POTA Act i.e. 55th City Civil and Sessions Court at Mumbai, to forthwith handover the Passport of Applicant bearing No. Z4953661 to Applicant for purpose of visa and ticket.”

2. Learned APP submits that considering the nature of offence for which the applicant has been convicted, the permission as sought may not be granted.

3. This Court, however, by orders dated 13 July 2018 and 23 April 2019 granted such permission and the applicant was allowed to travel abroad. It is not the case of the prosecution that on earlier occasions, when the applicant had travelled abroad, he indulged in any criminal activity or breached the conditions imposed by this Court. In that view of the matter, the application is allowed in terms of prayer clause (a) & (b) on the following conditions:

(a) The applicant shall furnish entire itinerary along with the details of places where he is likely to reside, while travelling abroad, to the Crime Branch.

(b) Needless to state that during the period, the applicant is travelling abroad, he shall be exempted from the condition of attending the trial Court.

(c) The applicant on return to India shall redeposit his Passport with the Special Court.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)