

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

CRIMINAL APPLICATION NO. 254 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.11.09
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Pragnesh Narayan Podar

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Prerak Sharma, a/w Yahan Shaikh and Rohit Mahadik,
for the Applicant.

Smt. Ashwini Takalkar, APP for the State/Respondent.

PSI Prakash Sawant, Gamdevi Police Station, present.

CORAM: N. J. JAMADAR, J.

DATED: 7th NOVEMBER, 2023

PC:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for modification of the condition imposed by the learned Additional Sessions Judge while releasing the applicant on pre-arrest bail in connection with CR No.426 of 2022 registered with Gamdevi Police Station, Mumbai, for the offences punishable under Sections 354 and 504 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").

3. By an order dated 24th November, 2022 the learned Sessions Judge was persuaded, *inter alia*, to impose a

condition not to leave India without prior permission of the Court.

4. The learned Counsel for the applicant submits that subsequently the applicant had preferred an application seeking relaxation of the said condition. However, the said prayer came to be rejected by an order dated 30th May, 2023. The applicant is required to frequently travel abroad. In Criminal Writ Petition No.1310 of 2023 preferred by the applicant and another seeking quashment of the FIR, by an order dated 11th April, 2023 this Court has stayed the further proceeding in respect of Criminal Case No.95/CW/2023 arising out of FIR No.426/2022.

5. I have perused the order dated 11th April, 2023. The Division Bench has opined that *prima facie* upon perusal of the FIR it would be difficult to make out an offence punishable under Section 354 of the Penal Code.

6. In any event, having regard to the nature of the accusation, the condition of seeking permission of the Court every time the applicant propose to leave India appears be unreasonable and onerous. Since the further proceedings in Criminal Case No.95/CW/2023 have been stayed, there is no propriety in calling upon the applicant to seek such

permission every time the applicant propose to travel abroad.

In view of the above, condition (c) of the order dated 24th November, 2022 stands relaxed.

7. Application stands disposed.

[N. J. JAMADAR, J.]