

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3960 OF 2023  
IN  
BAIL APPLICATION NO.778 OF 2020

Arun Kumar Saha ...Applicant

Versus

The Union of India and Anr. ...Respondent

....

Mr. Omneel Ashok Jadhav for the Applicant.

Mr. H.S. Venegaonkar for Respondent No.1.

Mr. H.S. Dedhia, APP for Respondent No.2-State.

**CORAM: G.A. SANAP, J.**

**DATED: 28<sup>th</sup> NOVEMBER, 2023.**

**P.C.:-**

1. This is an application for modification of condition No.5(e) imposed while granting bail to the accused vide order dated 19/10/2022. The condition reads as follows:-

“5(e) The Applicant shall deposit his passport with  
Investigating Officer.”

2. The learned Advocate for the Applicant at the stage of the argument has submitted that if the Court is not inclined to

modify the condition, then in that event the permission be granted to the Applicant-accused to withdraw the passport for the purpose of its renewal and redeposit it after its renewal. Considering the nature of the crime the conditions imposed. In my view this condition cannot be modified. However, in the facts and circumstances, the permission for withdrawal of passport for the purpose of its renewal can be appropriately considered. The passport deposited before the investigating agency would expire on 06/01/2024. In the facts and circumstances, the Applicant can be allowed to withdraw the passport for the purpose of renewal. Hence, the following order.

- (i) The application is partly allowed.
- (ii) The passport deposited by the Applicant-Arun Kumar Saha with the Enforcement Directorate be returned back to the Applicant for the purpose of its renewal.
- (iii) The Applicant after renewal of the passport, within 7 days from the date of its renewal, shall redeposit the same with the Enforcement Directorate.

- (iv) During the validity period of the passport on its withdrawal, the Applicant shall not travel abroad by using his passport.
  - (v) The Applicant is at liberty to make an appropriate application before the Trial Court for the purpose of renewal of passport.
3. The application stands disposed of in the aforesaid terms.

**(G.A. SANAP, J.)**