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

CRIMINAL APPLICATION NO.175 OF 2023

GIRIDHAR B. GAJABE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aditya Andhorikar i/b. Adv. Nehal Desale for the
applicant.

Mr. B. B. Kulkarni, APP for the State.

PSI-S. B. Ithape, Azad Maidan Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : MARCH 14, 2024

P.C. :

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

2. By this application the order dated 02.12.2022 passed
by the trial Court imposing condition that the applicant shall
shall not leave India without prior permission of the Court is
under challenge. It is the submission of learned counsel for
the applicant that the applicant is working as a Deputy
Registrar at SNDT Women's University, Mumbai and he is
working in the said university since 1998. The offence was
registered against the applicant on the basis of a complaint
filed by the complainant with Azad Maidan Police Station

under Sections 354, 509 of the Indian Penal Code (hereafter 'IPC' for short).

3. The application is opposed by learned APP.

4. The charge-sheet has been filed. The applicant was granted anticipatory bail. The applicant has travelled abroad on two occasions by seeking permission of the trial Court and has abided by the conditions. In the application it is stated that the applicant has two daughters who are both residing in New Zealand since 2017. It is stated that the applicant often visits his daughters. It is further submitted by learned counsel for the applicant that on two occasions after registration of the complaint the applicant has travelled abroad and returned back. In the facts and circumstances of the present case and the subsequent events as noticed hereinabove, though the application is opposed by learned APP, I am of the opinion that the condition can be modified as the applicant does not appear to be a flight risk. The condition of the applicant not leaving India without prior permission of the Court is modified as under :-

(a) The applicant shall intimate the trial Court as well as the Investigating Officer of the itinerary and travel details and duration while travelling abroad. If the applicant wants to leave India for a period of more than three months, the applicant shall seek permission of the trial Court.

(b) The applicant shall furnish address of his place of residence and contact details while residing abroad.

(c) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

5. The application is partly allowed and disposed of accordingly.

(M. S. KARNIK, J.)