

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.324 OF 2024
IN
CRIMINAL BAIL APPLICATION M.A. NO.89 OF 2024
IN
S.C.NO.20 OF 2024

Fairoz Kasim Bandarkar, Age 41 years,
Occ.Job at Kuwait, R/o.Village Morba,
Tal.Mangaon, District Raigad.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Majid Bandarkar with Mr.Vasim A.Shaikh, Advocate for Applicant.

Mr.Pankaj PDeokar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 1st October 2024

PC :

1. This is an application for relaxation of condition to release of passport, which was surrendered by the Applicant before the Trial Court as a condition for bail granted to the Applicant vide order dated 1st July 2024 in an offence registered as C.R No.114 of 2024 on a complaint of his wife for the offences punishable u/s.376, 376(2)(n), 504, 506 of Indian Penal Code.

2. Applicant is working in Kuwait since last more than 15 years and while he came in India for vacation the alleged complaint came to be lodged. He is having work open visa issued by State of Kuwait

and as per rules for validation of Visa if any person exited from the country he must make entry within a period of six months, otherwise his visa will be cancelled automatically. Applicant came to India on 9th April 2024 and he has to report within six months from the said date.

3. Applicant has stated that he has immovable properties in India and also his whole family stays in India. It is therefore submitted that there is no possibility that Applicant will not be available for trial if passport is released and he is permitted to go to Kuwait for the above referred purpose.

4. Considering the above referred facts, to comply with the rules of the said country and also to avoid possibility of losing employment in case of failure of Applicant to report back to his employer within 180 days, I am of the opinion that present application needs to be allowed.

5. Accordingly I pass following order :

ORDER

(i) Application is allowed;

(ii) Condition No.(6) of the order dated 1st July 2024 passed below Exhibit-1 passed by learned Additional Sessions Judge, Mangaon-Raigad in Criminal Miscellaneous Application No.89 of 2024 is hereby relaxed and learned Trial Court is directed to hand over the passport of the Applicant to the Applicant immediately, subject to the condition that Applicant shall file an affidavit stating immovable properties of Applicant and undertaking to co-operate the Trial Court in conducting the trial;

(iii) The Trial Court shall act on an authenticated copy of this order authenticated by Registry of Bombay High Court considering urgency in the matter.

(ANIL S.KILOR, J.)

MST