

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

CRIMINAL APPLICATION NO. 1571 OF 2024

Shoaib Hashim Vajihuddin	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Dr. Abhinav Chandrachud a/w Mr. Janay Jain i/by Mr. Chandan Singh Shekawat and Mr. Yashovardhan Deshmukh for Applicant.
Mr. Balraj B. Kulkarni, APP for Respondent-State.
Mr. Waghmode, P.I. and Mr. Sakharam Jadhav, PSI, J. J. Marg Police Station.

**CORAM: MANISH PITALE, J.
DATE : 2nd DECEMBER 2024**

P.C. :

1. By this application, the applicant is praying for return of his passport to enable him to travel to Saudi Arabia, Egypt, Iraq and United Arab Emirate (UAE) from 4th December 2024 to 30th December 2024.

2. The applicant voluntarily deposited his passport before the Court of Additional Sessions Court, Mumbai, in terms of the statement made on 14th September 2018, when his Bail Application bearing No. 1597 of 2018 was allowed by this Court.

3. Thereafter, when an occasion arose for him to travel abroad, he had approached this Court, seeking permission for return of his passport for a specific period. The said Application bearing

Criminal Application (Stamp) No. 2727 of 2024 was disposed of by this Court on 8th February 2024, directing his passport to be returned for a specific period, so as to enable him to travel abroad.

4. In paragraph 13 of the said order, specific conditions were imposed upon the applicant, including a direction to deposit the passport of the applicant's wife with the concerned Police Station, which would be returned to her after the applicant completed his travel and returned to India.

5. The learned counsel for the applicant has invited attention of this Court to relevant portions of the application, including paragraphs 14 to 19, which give details of his travel plan between 4th December 2024 and 30th December 2024. It is submitted that on this occasion, he would be accompanying his wife to the destinations specifically mentioned in the said paragraph, for religious purpose and also to meet some of his relatives, whom he has not met for a long period of time. In order to assure this Court that the applicant would indeed return back to India, reference is made to grounds I and J, wherein it is specified that the children and the grandchildren of the applicant are residing in India and he has permanent assets, which he will not disposed of till he returns to India on 30th December 2024. An affidavit of the son of the applicant is tendered, wherein he has stated that he is ready to deposit his passport as a security, till his father i.e. the applicant returns back as per the stated travel plan. The aforesaid affidavit along with accompanying document is taken on record and

marked 'X'.

6. It is submitted that since the applicant is required to travel from 4th December 2024 onward, this Court may pass appropriate order in favour of the applicant.

7. The learned APP has opposed the present application. He submits that this Court may not allow the application, as there is possibility of the applicant, being an NRI, absconding and not being available for trial.

8. Having considered the rival submissions, particularly in the light of the submissions made in the application and the earlier order passed in favour of the applicant, this Court is inclined to allow the present application.

9. The details of travel plan stated in paragraphs 14 to 19 indicates the places, which the applicant along with his wife intend to visit. The purpose is religious and also to meet family and friends. Considering the fact that the applicant did abide by the order dated 8th February 2024 passed in his favour and he specifically returned his passport on returning to India, this Court is assured, that on this occasion also the applicant would be abiding by the statements made in the application and the assurances given before this Court. The affidavit of the applicant's son taken on record, also assures this Court about the bonafides of the applicant.

10. In view of the above, the application is allowed in terms of prayer clause (a), which reads as follows, :

“a) Return the passport of the Applicant bearing No. 556936848 to the Applicant to enable the Applicant to travel to Saudi Arabia, Egypt, Iraq and U.A.E. from 04.12.2024 to 30.12.2024.”

11. The application is allowed, subject to the following terms :

- (a) The applicant's son i.e. Juzer Shoaib Vajihuddin, in terms of the affidavit tendered today before this Court, shall deposit his passport with the Senior Police Inspector of Sir J. J. Marg Police Station, Mumbai, by tomorrow. Upon the applicant returning back to India in terms of the statements made in the present application, the aforesaid passport shall be returned to the applicant's son forthwith.
- (b) The applicant shall submit detail travel itinerary before the trial Court as well as the Investigating Officer.
- (c) The applicant shall furnish details, as to the manner in which he can be contacted, during his travel period i.e. 4th December 2024 to 30th December 2024.
- (d) The applicant shall return to India as per statements made in the present application.
- (e) The applicant upon returning to India, in terms of the statements made in the present application, shall report to

the trial Court on 2nd January 2025 and he shall surrender his passport to the Registry of the trial Court, on the said date.

- (f) The passport of the applicant shall be handed over to him as per this order forthwith, upon producing copy of this order.
- (g) All concerned to act on an authenticated copy of this order.

MANISH PITALE, J.