

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

8. CRIMINAL APPLICATION (APL) NO. 1703 OF 2024

Dilshad Ali Hamid Ali Shaikh ...Applicant
Vs.
The State Of Maharashtra ...Respondents

**WITH
9. CRIMINAL APPLICATION (APL) NO. 1704 OF 2024**

Dilshad Ali Hamid Ali Shaikh ...Applicant
Vs.
The State Of Maharashtra ...Respondent

Adv. Shubham Kadam a/w Adv. Kiran J., Adv. Sneha Pawar and
Adv. Harshavardhan Patil i/by Adv. Randhir Kale for the Applicant.
Ms. R. V. Newton, APP for the State in APL/1703/2024.
Mr. N. B. Patil, APP for the State in APL/1704/2024.
Mr. Vaibhav Deshmukh- PSI, L. T. Marg Police Station, present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 10th DECEMBER, 2024

P.C. :-

. The Applicant has filed the aforesaid Applications seeking to delete/modify the condition No.3 in the Common Order dated 29th August, 2024 passed by the learned Additional Sessions Judge, Sessions Court, Mazgaon, Greater Mumbai in Criminal Revision Application Nos.576/2024 and 577/2024.

2) Heard Mr. Shubham Kadam, learned Advocate for the Applicant and learned APPs for the State. Perused the record.

3) **Rule.** Rule is made returnable forthwith. With consent of the learned Advocates for the respective parties, heard finally.

4) The aforesaid Revisions were filed by the Applicant against the Common Order dated 29th July, 2024 passed by the 28th Court of the learned Judicial Magistrate (First Class), Esplanade, Mumbai, in C.C. No.2802598/MISC/2024 and C.C. No.2802597/MISC/2024 arising out of C.R. No.26 of 2022 and C.R. No.165 of 2022 respectively registered with L.T. Marg Police Station, whereby the Applicant's request to travel to Dubai for business purpose, was rejected. However, the learned Sessions Judge by the Common Order dated 29th August, 2024 allowed the Applications of the Applicant seeking to travel to Dubai as prayed for with certain conditions.

5) The condition No.3 which is the subject matter of these Applications reads as under :-

“3. The permission is granted to the applicant/original accused Dilshad Ali Hamid Ali Shaikh to travel abroad i.e. to Dubai subject to filing detailed itinerary i.e. for how many days he would be at Dubai, at which place, the date of journey, the date of return journey and by which Company's flight, he wants to travel in Dubai and at which place, he wants to visit and reside in Dubai for having business deals, the detailed addresses. Applicant/original accused shall deposit of Rs.1 Lakh each in both cases as cash security.”

6) The learned Advocate for the Applicant submits that, due to financial constraints, the Applicant is not able to deposit an amount of Rs.1,00,000/- in each F.I.R. However, the Applicant is ready to deposit amount of Rs.50,000/- in each case and additionally, the Applicant is

ready to deposit the passport of his wife, as a security for his return.

7) Considering the facts of the case, the aforesaid submissions looks fair. The Applications deserves to be partly allowed, accordingly. Hence, following Order :-

ORDER

- (a) Criminal Application (APL) Nos.1703 of 2024 and 1704 of 2024, are partly allowed.
 - (b) Condition No.3 of the Common Order dated 29th August, 2024 passed in Criminal Revision Application Nos.576/2024 and 577/2024, is set aside to a limited extent of depositing Rs.1,00,000/-in each case. **Instead, the Applicant shall deposit Rs.50,000/- in each case as cash security. In addition, the Applicant shall deposit passport of his wife with L.T. Marg Police Station.**
 - (c) As soon as the Applicant returns to India and reports about his return, said passport shall be returned to the wife of Applicant, after securing appropriate acknowledgment receipt of the same.
 - (d) Rest of the impugned Order is not interfered with.
- 8) Criminal Applications stand disposed of in above terms. Rule made absolute.

(SHYAM C. CHANDAK, J.)