

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

**INTERIM APPLICATION NO.2449 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.1246 OF 2024**

Sohail Shaukat Pathan ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Ebaad Shaikh, for the Applicant.
Ms. Ranjana D. Humane, APP for the Respondent/State.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th AUGUST, 2024

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1. This is an Application in a disposed of Anticipatory Bail Application No.1246 of 2024. The Applicant was seeking anticipatory bail in connection with C. R. No.38 of 2024 registered at Kinhavali Police Station, District Thane under Section 306 of IPC. By a reasoned order, he was granted anticipatory bail on certain conditions. The operative part of the said order, reads thus :-

- “(i) In the event of his arrest in connection with C. R. No.38 of 2024, registered with Kinhavali Police Station, Thane, the Applicant is directed to be released on bail on his executing PR. bind in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall deposit his passport with the investigating officer within a period of 10 days from his returning to India.

- (iii) The Applicant shall not leave India without prior permission of the trial court.
- (iv) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (v) The Application stands disposed of accordingly.”

2. Now, this Application is preferred for modification of clause (ii) of the said order, which directed him to deposit his Passport with the Investigating Officer within a period of ten days from his returning to India. The Applicant returned to India within a short period from that order. However, he did not deposit the Passport and he has filed this Application on 25th June, 2024. Learned counsel for the Applicant submitted that he has business in Dubai and therefore, he is required to go to Dubai.

3. Learned APP on instructions submitted that even after his return to India, the Applicant has not complied with the directions and has not deposited that Passport.

4. I have considered this situation.

5. There was a clear direction to the Applicant to deposit his Passport within ten days from returning to India. This is clear breach of that condition. That condition was imposed looking at the backdrop of the case. While accepting that condition when that order was passed, no submissions were made at all and after this

condition was breached, this Application is filed for deletion of that condition. I am not inclined to delete that condition which was specifically imposed to secure his presence. The Applicant has not established his bonafides at all. Therefore, I am not inclined to allow this Application. The Applicant had attended the Police Station, but categorically refused to deposit his Passport. This is a clear violation of the condition imposed by this Court.

6. Therefore, the present Application is rejected and disposed of.

7. The State of Maharashtra is at liberty to file an Application for cancellation of the anticipatory bail granted to the Applicant for breach of the conditions.

(SARANG V. KOTWAL, J.)