

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3360 OF 2024
IN
CRIMINAL APPEAL NO.1115 OF 2009

Akshay Ramesh Shetty

.....Applicant

Versus

The State of Maharashtra
and another

.... Respondents

Mr. Abhaykumar Apte, Advocate for the Applicant.

Mr. Prashant P. Jadhav, APP for the Respondent No.1-State.

Ms. Neha M. Patil, Advocate for the Respondent No.2-Passport
Authority.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th AUGUST, 2024

PC. :

1. Leave to amend to correct the prayer clause.

Amendment to be carried out forthwith.

2. This is an Application for permission to travel to Singapore with his family. The Applicant was the original accused No.3 in Sessions Case No.57/2009 before the Ad-hoc Additional Sessions Judge at Sewree, Mumbai. The learned Judge, vide his judgment and order dated 11.11.2009 convicted the Applicant for commission of the offence punishable under

Sections 394 read with 397 read with 34, 504 and 506 of IPC. The major sentence imposed was RI for seven years besides imposition of fine. There were two accused with the Applicant, who were similarly convicted and sentenced. The case pertains to an incident dated 7.9.2008.

3. The Applicant has preferred Criminal Appeal No.1115/2009 before this Court challenging the judgment and order of conviction and sentence. That Appeal was admitted in the year 2009 itself. Since then the Appeal is pending.

4. Learned counsel for the Applicant submitted that the Applicant wants to take his family i.e. his wife and daughter to Singapore on family vacation but because of pendency of the Appeal, he needs to take permission from this Court. He submitted that there are no other allegations against the Applicant since 2009 onwards. The Appeal is not likely to be decided within a reasonably near future. The Applicant's passport is already renewed pursuant to the order passed by a coordinate Bench of this Court (Coram: M.S. Karnik, J.) vide order dated 30.1.2024.

5. Learned counsel for the Respondent No.2, who appears for the Passport Authorities, left this matter to the discretion of the Court.

6. Learned APP, on instructions, states that after 2009, there was no fresh offence registered against the Applicant.

7. Considering these submissions, since the Appeal is not likely to be decided in the near future and since the Applicant is on bail for a long time, he can be permitted to travel abroad for a limited period. Learned counsel for the Applicant submitted that the Applicant wants to travel abroad for a period between 15.10.2024 to 22.10.2024. In this view of the matter, I am inclined to allow this Application, subject to certain conditions. Hence, the following order:

ORDER

(i) The Applicant is permitted to travel to Singapore between 15.10.2024 to 22.10.2024, on the following conditions :

(a) The Applicant shall execute a P.R. bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two sureties in the like amount.

(b) The Applicant shall deposit the title documents of

his residential premises with the Senior Inspector of Police, Sakinaka Police Station, Mumbai.

- (c) The Applicant shall inform the itinerary, contact numbers and the address where he would be staying in Singapore to the Senior Inspector of Police, Sakinaka Police Station.
 - (d) On his return to India, the title documents submitted by him with the police station be returned to him.
 - (e) On his return to India, the Applicant shall deposit his passport with Senior Inspector of Police, Sakinaka police station, Mumbai.
- (ii) The Application is disposed of in the aforesaid terms.

(SARANG V. KOTWAL, J.)