

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

Interim Application No. 3610 of 2024

In

Anticipatory Bail Application No. 1117 of 2020

Mohammed Arshad Shaikh

Age: 37 Years, Adult, Indian Inhabitant,

R/at. B/14, Saidham Housing Society,

Andheri Kurla Road, Chimatpada,

Marol Naka, Mumbai – 400 059.

...Applicant

Vs.

The State of Maharashtra

Through Inspector Incharge Malwani

Police Station to be served through

Public Prosecutor High Court (A.S.)

Bombay.

...Respondent

Mr Amit Dubey a/w Mr Ashok M Saraogi, for the Applicant.

Mr Yogesh Y Dabke, for the Respondent.

Coram: R.N. Laddha, J.

Date: 13 September 2024.

P.C.:

The applicant was granted pre-arrest bail by this Court on 12 January 2021 in CR No.1446 of 2020, registered at Malvani Police Station, Mumbai, for offences punishable under Sections 366-A, 376(2)(J)(N), 377 and 506 of the Indian Penal Code. While the Court

secured the applicant's liberty, it imposed certain conditions, including not to leave India without prior permission of this Court. By this application, the applicant seeks leave to travel abroad.

2. Heard Mr Amit Dubey, the learned Counsel appearing on behalf of the applicant and Mr Yogesh Dabke, the learned Additional Public Prosecutor appearing for respondent / State.

3. Mr Amit Dubey, the learned Counsel appearing for the applicant, submits that the applicant along with his wife desires to travel to Thailand for a family trip from 15 September 2024 to 21 September 2024. The applicant is not a flight risk and undertakes to return to India and comply with the conditions imposed by this Court. The applicant's travel will not cause any harm or prejudice to the prosecution.

4. Mr Yogesh Dabke, the learned Additional Public Prosecutor representing respondent/State, opposes the applicant's prayer for travel, citing the seriousness of the offence. However, the learned APP submits that if the applicant is allowed to travel abroad, suitable conditions may be imposed.

5. Upon the perusal of the records, it is evident that the investigation is nearing completion. The objection raised by the prosecution cannot be sustained to curtail the applicant's right to travel

merely on the ground of the seriousness of the offence, especially when, *prima facie*, the alleged relations between the applicant and the prosecutrix were consensual. Given the peculiar facts of the case, the applicant is allowed to travel to Thailand from 15 September 2024 to 21 September 2024 on the following conditions:

- (i) The applicant shall furnish an undertaking to the Registry of this Court that he will return to India during this period.
- (ii) The applicant shall submit his travel itinerary, details of intended stay, and contact information to the investigating officer.

6. The interim application stands disposed of accordingly.

[R. N. Laddha, J.]