

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

INTERIM APPLICATION NO. 3959 of 2024

in

CRIMINAL APPEAL NO. 778 of 2013

Javed Abdul Gafoor Mozawala ... Applicant/
Appellant

versus

The State of Maharashtra Respondent

Ms. Farhana Shah, Advocate for the Applicant/Appellant.

Mr. Swapnil Walve, APP for Respondent-State.

**CORAM : SHIVKUMAR DIGE, J.
DATE : 21st OCTOBER, 2024.**

P.C. :

1. By this application, the applicant is praying for permission to travel out of India for religious pilgrimage.

2. Learned counsel for the applicant has filed pursis stating therein that in the application, the travel date is mentioned from 26th October 2024 to 11th November 2024 but due to non-availability of tickets, the applicant seeks permission to travel from 30th October 2024 to 16th November 2024. It is taken on record.

3 It is contention of learned counsel for the applicant, the applicant has been convicted under Sections 3(1)(C), 4 and 9 of the Official Secrets Act, 1923 and sentenced to suffer rigorous imprisonment for 7 years. Out of 7 years, the applicant was behind bar for more than 5 years. This Court has granted bail to the applicant on 13th February

2015. Since 2015, the applicant has not misused the liberty. The appeal is pending for final disposal. The applicant seeks permission to leave India in order to travel to Saudi Arabia for religious pilgrimage -Umrah for the period of 15 days. Hence, requested to allow the application.

4. Learned APP strongly objected to allow the application on the ground that the applicant is convicted under Official Secrets Acts, if permission is granted, he may abscond. Hence, requested to reject the application.

4. I have heard both learned counsel, perused the application. The applicant was behind bar for more than 5 years, out of 7 years of punishment. The applicant wishes to travel to attend religious program for 15 days. The applicant is a citizen of India. He has movable and immovable properties in Mumbai. He has not misused his liberty when he was on bail. Considering these facts, I pass following order :

ORDER

1. The applicant is permitted to travel to Saudi Arabia from 30th October 2024 to 16th November 2024.
2. The applicant shall give itinerary of his travel along with his mobile number to the concerned police station.

The application is allowed in above terms and disposed of.

5. All concerned to act upon authenticated copy of this order.

(SHIVKUMAR DIGE, J.)