

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4391 of 2024
IN
INTERIM APPLICATION NO. 2263 of 2024
in
INTERIM APPLICATION NO.1722 OF 2024
with
CRIMINAL APPEAL NO. 216 of 2015

Ravi Srichand Punjabi

... Applicant/
Appellant

versus

The State of Maharashtra

.... Respondent

Mr. Sohail Ahmed h/f. Mr. Rajendra Rathod, Advocate for the Applicant.
Mr. Prashant P. Jadhav, APP for Respondent No.1-State.
Mr. Maruti Kadam, API, Anti-Extortion Cell, DCB, CID-Mumbai.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th NOVEMBER, 2024.

P.C. :

1. By this application, the applicant is seeking return of passport bearing No.Z7795180 to the applicant for applying for visa for the United States of America and United Kingdom/Europe.

2. It is contention of learned counsel for the applicant that the applicant has been convicted under Section 387 read with Section 120 B of the Indian Penal Code 1860 and sentenced to suffer imprisonment for five years. He is further convicted for offences punishable under Sections 3(2) and 3(4) of Maharashtra Control of Organised Crimes and sentenced to suffer rigorous imprisonment for ten years.

3. Bail has been granted to the applicant by the Hon'ble Apex Court. The applicant is on bail. Earlier, this Court (Coram : N. R. Borkar, J.) by order dated 9th May 2024 had granted permission to the applicant to go to Dubai. After return from Dubai, the applicant has deposited his passport before the trial Court. Learned counsel for the applicant submitted that the applicant wants to apply for visa for the United States of America and United Kingdom/Europe, hence, direction be given to the trial Court to return the passport to the applicant and after completing the formalities, the applicant will deposit the said passport before the trial Court. Learned counsel further submitted that the applicant cannot file application before the trial Court as the pending case before the trial Court has been disposed of and the applicant has challenged the said order which is pending before this Court. Hence requested to allow the application.

4. It is contention of learned APP that the applicant is the member of gang headed by Ravi Pujari. Around 30 cases have been registered against the gang leader. If the applicant is permitted to take passport, he may abscond, hence, requested to reject the application.

5. I have heard both learned counsel.

6. Earlier, this Court (Coram : N. R. Borkar, J.) permitted the applicant to travel to Dubai. The applicant has returned back and has deposited his passport before the Trial Court. Now the applicant wants to apply for visa for United States of America and United Kingdom/Europe

and he undertakes to deposit his passport before the trial Court after completing formalities. The applicant is on bail. Considering these facts, permission cannot be denied to him to apply for visa.

7. In view of above, I pass following order :

1. The application is allowed.
2. The concerned Sessions Court is directed to return the passport of the applicant.
3. The applicant shall deposit the said passport before the concerned Sessions Court after completing the formalities of application for visa.
4. Visa application of the applicant be decided on its own merit.
5. The Investigating Officer of the crime or deputed person on his behalf, shall remain present with the applicant while making application for visa.

The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)