

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2980 OF 2025

Sukrutkumar Babasaheb Bhandare ...*Petitioner*

Versus

State of Maharashtra & Anr. ...*Respondents*

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Mr. Nitesh Bhutekar a/w Mr. Prathamesh Mandlik, for the
Petitioner.

Mr. Sameer M. Mangaonkar, learned APP for the Respondent
No.1.

Mr. Umesh R. Mankapure a/w Mr. Satyam A. Surana i/by Ms.
Rati Sinhansane, for Respondent No.2.

Mr. Sukrutkumar Babasaheb Bhandare (Petitioner), present in
Court.

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CORAM : ASHWIN D. BHOBE, J.

DATE : 30th MAY, 2025
(VACATION COURT)

P.C. :-

1. Heard Mr. Nitesh Bhutekar, learned Advocate for the
Petitioner, Mr. Sameer Mangaonkar, learned APP for the
Respondent No.1 and Mr. S.M. Mangaonkar, learned Advocate

for the Respondent No.2.

2. Present Petition pertains to a criminal proceedings between the Petitioner and the Respondent No.2, in respect of the subject matter of Crime No.1256 of 2022 registered with Sangola Police Station for the offences punishable under Sections 498A, 406, 420, 323, 504, 506 read with Section 34 of IPC. Proceedings pertaining to the matrimonial dispute are also pending.

3. Petitioner by the present Petition filed under Article 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "**BNSS**"), assails the order dated 14.05.2025 passed by the Court of the learned Sessions Judge, Pandharpur on Exhibit 1 in Criminal Miscellaneous Application No.288 of 2025, by which the Application dated 23.04.2025 filed by the Petitioner seeking permission to travel to United States of America (USA) has been rejected.

4. Application dated 23.04.2025 seeking permission to travel filed by the Petitioner was opposed by the Respondent

No.2.

5. Mr. Bhutekar, learned Advocate for the Petitioner states that the Applicant is employed with Stanley Black and Decker INC New Britain Ct (US). He states that the Petitioner is in India since 20.04.2024. He states that the Petitioner has now received a call from his Company to join duties in USA w.e.f. 02.06.2025 and as such, he intends to travel to the USA on 31.05.2025. It is on account of fear of losing his job in the said Company that the Petitioner has to go back to USA. For the said reasons that the Petitioner has filed the Application dated 23.04.2025 before the Court of the learned Additional Sessions Judge, Pandharpur.

6. Mr. Bhutekar, submits that the Petitioner was granted pre-arrest bail in Criminal Bail Application No.719 of 2024. He states that the Petitioner has abided by the the conditions as imposed in the said Bail Application and assures the Court to abide by the same.

7. Mr. Bhutekar, states that the charge-sheet has been filed in the Crime bearing No.1256 of 2022 registered by the

Sangola Police Station. He states that the Petitioner's travel abroad will not cause any hindrance to the trial of the said crime. However, he points out to the order dated 15.04.2024 passed by this Court in Criminal Miscellaneous Application No.219 of 2023 and Criminal Writ Petition No.2510 of 2023, by which the proceedings of the afore-referred criminal case are stayed, pending the mediation proceeding between the parties.

8. Mr. Bhutekar, states that in the event permission is granted to the Petitioner to travel to USA, he shall file all the necessary Undertaking before the Court to ensure his presence before the learned Trial Court as and when required by the Trial Court and further makes a statement that his absence in India would not hinder the trial in any manner. Said statements are made by Mr. Bhutekar on instructions from the Petitioner, who is present in Court.

9. The learned Sessions Judge, Pandharpur has rejected the Application dated 23.04.2025 for the reasons recorded in Paragraph Nos. 6 and 7 of the order dated 14.05.2025, which

paras are transcribed hereinbelow:

“06. It appears that, in present crime applicant/accused is cited as accused No.1. He is the husband of informant Rajlaxmi Bhandare. Allegations are under Sections 498-A, 406, 420, 323, 504, 506 r/w. 34 of The Indian Penal Code. Yet investigation has not been completed and chargesheet is not filed. Already relief of pre-arrest bail was granted to the present applicant/accused.”

“07. Further admittedly in Criminal Writ Petition No. 2510 of 2023 with Criminal Application No. 219 of 2023, Hon'ble Lordship of Bombay High Court referred the matter to mediation center with consent of parties. This order is passed on 15/04/2023. Hon'ble Lordship of of Bombay High Court kept the matter for report of mediator before next date of hearing and matter stand over till 19th June, 2024. In such circumstances if the applicant/accused is permitted to leave India then process of investigation as well as the mediation as per directions issued by the Hon'ble Lordship of of Bombay High Court will be hampered. Application is without merit. Hence the order.”

10. Mr. Umesh R. Mankapure, learned Advocate for the Respondent No.2, has tendered synopsis of lists of dates and events (3) pages, which are taken on record and marked as **“X Colly”** for identification. Referring to the synopsis Mr. S.M. Mangaonkar, learned Advocate for the Respondent No.2 submits that the conduct of the Petitioner does not warrant

any indulgence as the delay caused in filing of the charge-sheet is attributable to the Petitioner. He submits that the Petitioner is holding all the original Certificates of the Respondent No.2 and has refused to hand over the same to the Respondent No.2 which again would not disentitle the Petitioner to any discretionary reliefs. For all the said reasons, he states that the view taken by the learned Sessions Judge requires no interference.

11. After hearing parties for some time, at the joint request of the Petitioner and Respondent No.2, the matter was kept back for some time, so as to enable them an opportunity to see if any workable arrangement in this matter could be worked out considering the travel of the Petitioner is occasioned to protect his job.

12. After deliberations amongst the Petitioner and the Respondent No.2, they have agreed to the following conditions on the basis of which Advocate for the Petitioner and Respondent No.2 states that the present Petition can be disposed off.

13. Petitioner as well as Respondent No.2 have tendered a document captioned as 'Conditions for Considerations', which is signed by the learned Advocate for the Petitioner and the learned Advocate for the Respondent No.2. The same is taken on record and marked as "X-1" for identification. Conditions in the document marked as "X-1" refers to the workable arrangement between the parties. Mr. Bhutekar, learned Advocate for the Petitioner on instructions of the Petitioner, who is present in Court states that the travel to USA is intended to attend and protect his job in the Company. Conditions which have been amicably arrived between the parties and recorded document at Exhibit "I", are transcribed hereinbelow:

"1. The petitioner shall hand over all documents and certificates belonging to Respondent No. 2, currently at the petitioner's residence in India as well as in the USA, to the advocate of Respondent No. 2 within a period of six weeks from today.

2. The petitioner agrees to hand over the mobile handset and the complete electronic data of Respondent No. 2, stored on the Petitioner's laptop, in a static electronic device such as a pen drive, within a period of six weeks from today.

3. The petitioner agrees and undertakes to participate and corporate in the trial before the learned Trial Court and shall not obstruct or delay

the trial proceedings.

4. The statement under Section 313 of the Criminal Procedure Code (CrPC) shall be recorded through the counsel representing the petitioner, in the presence of the other accused. However, the petitioner shall not raise any objection to the recording of such a statement in his absence in the future.

5. The petitioner shall undertake before this Hon'ble Court that he will attend the proceedings before the learned Trial Court as and when required, unless exempted by the court. The petitioner shall be allowed to attend the trial court process on video conferencing, if permitted by the trial court."

14. In addition to the above said conditions in the document marked as "X" for identification, the Petitioner is directed as follows:

(a) Petitioner shall file an Undertaking before the Court in which the chargesheet pertaining to Crime No.1256 of 2022 is filed/committed, undertaking that the Petitioner shall appear /remain present before the Court as and when the physical presence of the Petitioner is required by the said Court. The Undertaking should state that the Petitioner shall abide by all/any directions that may be issued by the said Court.

(b) Petitioner shall furnish his residential address in the USA

along with proof to the learned Court wherein the charge-sheet is filed.

(c) Petitioner shall furnish his contact number/mobile number and e-mail address before the Court wherein the charge-sheet is filed.

15. This Court appreciates the approach adopted by the Petitioner, Respondents and their respective Counsels and in the present Petition, which has resulted in resolving the subject matter of the present Petition.

16. In view of the above settlement arrived between the parties the impugned order dated 14.05.2025 passed in Criminal Miscellaneous Application No.288 of 2025 is set aside.

17. Parties to abide by their statements and Undertakings recorded in the document marked as "X".

18. In view of the above, the Application dated 23.04.2025 filed by the Petitioner, at Exhibit 1 in Criminal Miscellaneous Application No.288 of 2025 is allowed. Petitioner is granted

permission to travel to USA, subject to abiding by the above said terms and conditions.

19. **Criminal Writ Petition No.2980 of 2025 is disposed off.**

[ASHWIN D. BHOBE, J.]