

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

**INTERIM APPLICATION NO. 4627 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1246 OF 2024**

Sohail Shaukat Pathan	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Karim Pathan a/w. Shane Illahi Turkey a/w. F. Shaikh a/w.
Tabish Shaikh for Applicant.
Smt. M. H. Mhatre, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 29 JANUARY 2025

PC :

1. This application is filed in the disposed of Anticipatory Bail Application No.1246 of 2024. The prayer in this application is for modification of Clause (ii) of the order dated 06.05.2024 passed in the said anticipatory bail application. The operative part of the said order reads thus:

- (i) In the event of his arrest in connection with C.R.No.38 of 2024, registered at Kinhavali Police Station, Thane, the Applicant is directed to be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with

one or two sureties in the like amount.

- (ii) The Applicant shall deposit his passport with the investigating officer within a period of 10 days from his returning to India.
- (iii) The Applicant shall not leave India without prior permission of the trial Court.
- (iv) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (v) The Application stands disposed of accordingly.”

2. Vide clause (ii), the Applicant was directed to deposit his passport with the investigating officer within a period of 10 days from his return to India. Paragraph-4 of the said order indicates that the learned counsel for the applicant himself had submitted that the applicant was willing to deposit his passport with the investigating officer.

3. Now, this application is filed for modification of Clause (ii). Importantly, Clause (iii) mentions that the applicant shall not leave India without prior permission of the Trial Court. The charge-sheet is now filed. The operative part of the said order is quite clear. The operative part clearly shows that the applicant could have applied before the Trial Court for permission to travel

abroad.

4. Learned counsel for the applicant submitted that the applicant had preferred such application, but it was withdrawn for the reasons best known to the applicant. Now, learned counsel for the applicant seeks liberty to make a fresh application before the trial Court for permission to travel abroad.

5. Considering the operative part of the order dated 06.05.2024, the applicant can make a fresh application before the trial Court for permission to leave India. If such an application is preferred, the learned Trial Judge shall consider and decide it as early as possible, in accordance with law, having regard to the facts of the case.

6. With this direction, the application is disposed of.

(SARANG V. KOTWAL, J.)