

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 5250 OF 2024
IN
BAIL APPLICATION NO. 1709 OF 2023**

Mohd. Murad Oliar Shaikh ... Applicant
Vs.
The State Of Maharashtra ... Respondents

Mr. M. S. Mulla for the Applicant.
Mr. A. S. Gawai, APP for the State.

**CORAM : GAURI GODSE, J.
DATED : 20th AUGUST 2025**

ORDER:

1. This application is filed by accused no.2 for relaxation of condition no.(b) imposed while granting bail vide order dated 9th May 2024. Condition no.(b) reads as under:

“b) The release of the applicant shall be subject to production of valid passport and visa. Since passport and visa can be applied online, as informed by the learned APP, the applicant will have to apply for the same from jail. The respondent-State Authority shall provide assistance to the applicant. But it is made clear that without producing valid passport and visa, the applicant shall not be released on bail.”

2. Learned counsel for the applicant has annexed copy of the passport. However, he submits that the original passport is not available with the applicant.

3. Learned APP submits that the photocopy of the passport annexed to the application is doubtful as there is difference in the name that appears in the photocopy of the passport and in the name of the applicant as recorded in the proceedings. He submits that since original passport is not produced, the investigating officer is unable to verify its authenticity.

4. Learned counsel for the applicant has tendered an affidavit-cum-undertaking dated 20th August 2025 of the applicant. The undertaking is taken on record. The applicant has stated that the original passport of the applicant is with his relatives; however, he is unable to contact them from jail. The applicant has stated that in the affidavit-cum-undertaking, that he would abide by any other terms and conditions imposed regarding passport.

5. Learned counsel for the applicant submits that though the applicant is granted bail on 9th May 2024, he is still languishing in jail as the applicant was unable to comply with condition no.(b). He therefore submits that condition nos.(b), (c) and (d) be modified by imposing any other appropriate condition.

6. The name on the photocopy of the passport annexed to the application is different than the name of the applicant as mentioned in the proceedings of the present case. Since the applicant is already held entitled to be released on bail, the condition nos.(b), (c) and (d) can be modified in view of the peculiar facts and circumstances. The applicant has stated in affidavit that he does not possess original passport. The photocopy of the passport is annexed by the applicant shows the date of validity of the passport upto 12th January 2024.

7. In view of the aforesaid facts and circumstances, condition nos.(b), (c) and (d) are modified by passing the following order:

ORDER

(i) The statement made on behalf of the applicant that he does not possess the original valid passport and that he has no other valid travel document is accepted.

(ii) The applicant shall not apply for renewal of the passport or fresh passport or any other travel permission without leave of the trial Court.

(iii) The applicant shall not leave India without permission of the trial Court.

(iv) The concerned investigating officer shall forward copy of this order to the Embassy of People's Republic of Bangladesh for information.

(v) The applicant shall comply with condition no.(k) of order dated 9th May 2024 within two months from the date of his release.

(vi) It is clarified that all the remaining conditions imposed vide order dated 9th May 2024 shall continue to operate and shall be binding upon the applicant.

8. Interim Application is disposed of in the aforesaid terms.

(GAURI GODSE, J.)