

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.197 OF 2025

Ami Kotecha

.. Applicant

Versus

Union Of India and Anr.

.. Respondents

.....

- Dr. Sujay Kantawala a/w. Ms. Aishwarya Kantawala, Jeffry Caleb and Ms. Ayushi Jha, Advocates for Applicant.
- Mr. Siddharth Chandrashekhar, SPP for Respondents.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 25, 2025

P.C.:

1. Heard Dr. Kantawala, learned Advocate for Applicant and Mr. Chandrashekhar, learned SPP for Respondents.

2. Present Application seeks modification / deletion of bail condition, *inter alia*, requiring Applicant to deposit / surrender her passport in the Trial Court and as and when she desires to travel to claim the same by making Application to the Trial Court.

3. Prayer clauses (a) and (c) are oriented towards this particular condition of which modification / deletion is sought for by Applicant. Case of Applicant *prima facie* in so far as these two prayers are concerned is covered by the decision of this Court in the cases of ***Mohammad Hanif Nurani Vs. The State of Maharashtra and Anr.*¹** and

***Manish Gulabchand Birawat Vs. State of Maharashtra and Another*²**

1 2025(2) TMI 220 (Criminal Application No.434 of 2024 decided on 05.02.2025).

2 2023 SCC OnLine Bom 530.

4. I see no impediment in so far as allowing prayer clauses (a) and (c) are concerned, since this Court has considered a similar situation *qua* the provisions of the Passport Act and on the basis of various citations determined the said issue.

5. The bone of contention however is with respect to prayer clause (b). Due to rejection of the said prayer by the learned Trial Court, Applicant is before this Court.

6. Mr. Chandrashekhar, learned SPP enters appearance for Respondents. He would submit that Respondents be permitted to place on record their objections to the Application specifically prayer clause (b) since in the opinion of Respondents Applicant would be a flight risk and therefore the Court should hear the Respondents.

7. The grounds for grant of relief are stated in paragraph Nos.8 to 14. Principally, it is seen by the Court that there are two specific reasons. One, Applicant is suffering from a medical ailment, the details of which alongwith prescription and appointment schedule and all such other necessary details have been appended to the Application at Exhibit “E” collectively and the second reason is that Applicant’s daughter’s graduation ceremony is on the anvil for which Applicant would like to remain present in the United States. Applicant is ready and willing to co-operate with the investigation as informed by Dr. Kantawala.

8. Mr. Chandrashekhar, learned SPP would submit on instructions that Applicant has been issued a summons to attend some hearing on 30.04.2025. Applicant is infact not even aware about same. It is *prima facie* seen that Applicant has annexed the entire details to the present Application.

9. That apart, if Respondents desire to verify the veracity of the said details from the Applicant, Respondents can undoubtedly do so. Considering the request made and grounds in the Application, I direct the Applicant to attend the office of the Respondents and meet the concerned Investigating Officer on 28.04.2025 at 11:30 a.m. and furnish all such necessary details of her travel which she intends to undertake as mentioned in the Application including details of her medical ailment and details of her appointment with the concerned doctor / hospital including her itinerary.

10. Considering that this is a post-bail scenario, the aforesaid directions are passed. However, the objections raised by Mr. Chandrashekhar, *inter alia*, pertaining to conduct of Applicant which is seen from page Nos.38 and 42 of the reply filed by Respondents before the Trial Court shall be considered by the Court on the next date of hearing.

11. Needless to state that if any Reply is required to be filed by Respondents, the same shall be filed positively before the next

adjourned date. It is clarified that there are two replies which are filed before the Trial Court which are appended at page Nos.38 and 42 of Application. I have perused the same. Needless to state that undoubtedly Respondents shall be heard by the Court and their objection to the Application will be considered.

12. In that view of the matter, present Application is kept for hearing on the next adjourned date.

13. Stand over to **30th April, 2025**. To be placed under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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Date: 2025.04.25
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