

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

CRIMINAL WRIT PETITION NO.2148 OF 2025

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Sunilkumar More

Age : 65 Years, Occupation : Business,

Residing at : 92, Mistry Park, 77,

Bhulabhai Desai Road, Mumbai-400026.

...Petitioner

Versus

1. **CBI BS & FB**

Having Office at : 3rd & 4th Floor,
CBI Building, Plot No.C-35A,
G-Block, Bandra Kurla Complex,
Bandra East, Mumbai – 400051.

2. **The State of Maharashtra**

...Respondents

Mr.Bhavesh Thakur:-	Advocate for Petitioner.
Mr.Amit Munde (SPP) a/w Mr.Jai Vohra:-	Advocate for Respondent No.1-CBI.
Ms.S.D.Shinde:-	APP for Respondent No.2-State.

CORAM : S. M. MODAK, J.

DATE : 23rd JULY 2025

P. C. :-

1. Heard learned Advocate for the Petitioner and learned Advocate Shri.Munde for Respondent No.1-CBI.

2. The Petitioner is granted anticipatory bail by this Court on 5th September 2001. It is in respect of the offences under Sections 420,

467, 468, 471, 477-A and 120-B of the Indian Penal Code, 1860 (“IPC”). It is on the basis of complaint lodged by the Bank. The charge-sheet is already filed and it is numbered as Case No.1130/PW/2009. The trial has started and the CBI has examined 29 witnesses out of 55 witnesses.

3. The Petitioner applied for renewal of the passport before the Court of Additional Chief Judicial Magistrate – Esplanade – Mumbai.

The request was allowed. It was subject to the following conditions:-

- (a) After arrival, **the passport shall be handed over to the CBI.**
- (b) Prior to leaving India, **permission of the Court should be obtained.**

4. The Petitioner is aggrieved by these two conditions. Learned Advocate tried his level best to convince me that these conditions amount to restrictions on his personal liberty. The contention is raised that he has travelled on many occasions outside India, however, **returned back and there are no instances quoted by the CBI about not returning back.** There is also submission made that while granting anticipatory bail, this Court has not put such conditions.

5. There is strong opposition on behalf of the CBI for the reason, now 29 witnesses are examined and the Accused is fully aware about

the evidence which has come on record and as the trial progresses, the CBI apprehends that if conditions are waived and if the Petitioner will go out of India, probably he may not return India.

6. It is true that right to travel is a fundamental right. There is a difference in between the passport-holder who is not facing prosecution and the passport-holder who is facing prosecution. The considerations at the time of bail and considerations at the time of renewal of passport are different. I do not think that the trial Court has committed any wrong while putting a condition of obtaining permission prior to leaving India. If such a condition is there, the trial Court on every occasion will ascertain the *bonafides* of the claim about leaving India and decide it accordingly. **However, the condition to deposit the passport with CBI cannot be sustained** for the reason, it amounts to unreasonable restrictions on the movement. It is because the CBI never comes with a case of misuse of leaving India and not returning back. There are also no complaints about non-cooperation by the Petitioner to participate in the trial.

7. One does not know what will be the outcome of the case. One cannot find out what is going on in the mind of the Petitioner. I am waiving that condition subject to direction to the Petitioner to file the

details of the immovable properties owned by the Petitioner before the trial Court. In view of that, following order is passed:-

ORDER

- (i) **The Writ Petition is partly allowed.**
 - (ii) The condition to deposit the passport with the CBI after its renewal **is waived.**
 - (iii) Instead of that, let the Petitioner file an Affidavit **giving details of immovable properties owned by him before the trial Court.**
8. In view of the above terms, **the Writ Petition is disposed of.**

[S. M. MODAK, J.]