

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.187 OF 2025

Abbas Akabarali Qureshi

... Applicant

Vs.

The State of Maharashtra And Ors.

... Respondents

SHARADA
RANGNATH
WAHULE
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SHARADA
RANGNATH WAHULE
Date: 2025.12.15
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Mr. Fauzan Shaikh i/b Mr. Ashish Vernekar, Advocate for the Applicant.

Mr. Dinesh J. Haldankar, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 12th DECEMBER, 2025.

P.C. :

1. Heard Mr. Shaikh, learned Advocate for the Applicant and Mr. Haldankar, APP for the Respondent No.1-State.

2. By the present application the Applicant is seeking the following relief in terms of prayer clauses (a) and (c) :-

(a) That this Hon'ble Court may be pleased exercise its powers under section 482 of the Criminal Procedure Code / section 528 of the BNSS, 2023, thereafter quash and set aside the impugned order dated 30th January, 2025;

(c) That, this Hon'ble Court may be pleased to uphold the said condition no.2 (iii) in the order dated 05.08.2024 passed by the Ld. Sessions Judge and no cognizance be taken of the impugned order dated 30th January, 2025 by the respondent no.1 empowered to do so till final disposal of the Application

before this Hon'ble Court.

3. The Respondent Nos.2 to 5 were granted pre-arrest bail by the Court of Sessions Judge, Greater Bombay vide order dated 5th August, 2024 passed in Anticipatory Bail Application No.1479 of 2024, on the conditions as mentioned therein.

4. Respondent Nos.2 to 5 filed Criminal Miscellaneous Application No.727 of 2024 seeking modification of condition No.2 (iii) imposed vide order dated 5th August, 2024 in Anticipatory Bail Application No.1479 of 2024. Condition No.2 (iii) as imposed in the order dated 5th August, 2024 reads as follows.

“iii) The applicants / accused shall not leave India without prior permission of the Jurisdictional Court and prior intimation to the investigation agency”.

5. Vide order dated 30th January, 2025 passed in Criminal Miscellaneous Application No.727 of 2024, the Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai, after affording a hearing to the State as well as the Applicant herein, modified the said condition No 2(iii). Said condition upon modification reads as under:-

“2(iii) The applicants / accused may leave India for business or personal purposes, on their furnishing one or two

sureties in sum of Rs.2,00,000/- (rupees two lacs only) each or undertaking to ensure their presence before the learned jurisdictional Court at the time of hearing / trial before it, either personally, virtually or through their counsel with at least one week prior intimation to the investigating agency of the details of such travel and return after such travel”.

6. Mr. Shaikh, learned Advocate for the Applicant, submits that the order dated 30th January, 2025 passed in Criminal Miscellaneous Application No.727 of 2024 does not disclose proper application of mind and therefore interference is required in the present application.

7. Mr. Haldankar, learned APP for the State, submits that the Additional Sessions Judge, Sessions Court, Greater Bombay has applied his mind and has addressed all the issues in a detailed and a reasoned order which is (Page 39 to 47 of the paper book). He submits that the Respondent State has not challenged the order dated 30th January, 2025.

8. Perused the order dated 30th January, 2025. The learned Additional Sessions Judge City Civil and Sessions Court, Greater Bombay has considered each and every aspect addressed by the Respondent Nos.2 to 5 as also the issues / contentions that were urged by the Applicant herein who was the Intervenor / Complainant in the Criminal Miscellaneous Application No.727 of 2024. Applicant has

failed to point out any perversity in the order dated 30th January, 2025.

9. No case for indulgence of this Court under Section (482 of the Criminal Procedure Code) Section 528 of the BNSS, 2023 is made out.

10. In view of the above, the present application is devoid of merits as such dismissed. There shall be no order as to costs.

(ASHWIN D. BHOBE, J.)