

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.664 OF 2025
IN
CRIMINAL BAIL APPLICATION NO. 2628 OF 2024

Mohammed Sikandar Cheemu

.. Applicant

Versus

Union of India and Anr.

.. Respondents

-
- Ms. Lochan Chandka, Advocate for Applicant.
 - Ms. Sangeeta Yadav, Special Counsel for Respondent No.1.
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 17, 2025

P.C.:

1. Heard Ms. Chandka, learned Advocate for Applicant and Ms. Yadav, learned Special Counsel for Respondent No.1.
2. After hearing learned Advocate for Applicant on 26.02.2025 following order was passed:-

“1. Heard Ms. Chandka, learned Advocate for Applicant.

2. In the present Interim Application, Respondent No.1 is the Union of India. Today, when the Application is called out for hearing, none appears for Respondent No.1 – Union of India.

3. Application has been filed by the Applicant to travel abroad to Umarah in Saudi Arabia with his family. Applicant is enlarged on bail 31.07.2024. Copy of that order is appended at page No.9 of the Application.

4. I am informed that Respondents were served only yesterday. Hence benefit of doubt needs to be given to Respondent No.1 – Union of India for not having sufficient time to appoint an Advocate to represent them immediately.

5. Advocate for the Applicant would submit that tickets are already booked for 02.03.2025. I make it clear that unless I hear the Respondents whether the Applicant has booked the tickets or not does not make any difference to the Court. This shall be noted by the

Advocate for Applicant.

6. Copy of this order shall be served on Respondent No.1 – Union of India. Respondent No.1 - Union of India is directed to depute a responsible Advocate / Counsel to appear in the present Interim Application and make its submission with respect to the Application of the Applicant.

7. Considering the request made by the learned Advocate for Applicant, list the Interim Application on Board on 05th March, 2025. To be placed on the ‘Supplementary Board’.”

3. On behalf of Union of India – Ms. Yadav enters appearance.

She would persuade the Court to consider the fact that there is a possibility that Applicant would be at flight risk since he is travelling to Saudi Arabia via Dubai and there is a possibility that he might flee the country.

4. *Prima facie* it is seen that present Accused is Accused No.1. According to the prosecution case the principal conspirator i.e. the main accused in the present matter namely Kailash Rajput who is the head of the syndicate who was operating from Dubai has been arrested in the UK according to instructions received by Ms. Chandka.

5. The reason given in the Application, *prima facie* persuades me to consider the Application of Applicant. Applicant is desirous of undertaking a religious trip to Saudi Arabia for Umrah during the holy month of Ramzan. Learned Prosecutor would submit that blanket order may not be passed by the Court to which the Court and specific order be passed. Applicant has sought permission to travel for 18 days from 02.03.2025 and 20.03.2025.

6. Learned Prosecutor is right since Applicant will have to furnish all details whatsoever about his travel itinerary , place of stay while he is undertaking the religious Umrah trip to Saudi Arabia, as also other requisite details with the prosecution before he undertakes the travel including details of his onward and return journey tickets.

7. *Prima facie* it is seen that Supreme Court time and again has reiterated that travelling abroad is a genuine basic human right for various purposes including marriages and for family reasons. Supreme Court in the decision of ***Satish Chandra Verma Vs. Union of India***¹ observed that right to travel abroad is an important basic human right for nourishing independent and self-determining creative character of the individual, not only by extending his freedom of action but also by extending scope of his experience. The reason given by Applicant in the Application is to travel to Saudi Arabia for the religious purpose of Umrah and he has stated that he will come back and face the trial.

8. Recently in an identical case ***Rahim Khan Sandu Khan Vs. The State of Maharashtra and Anr.***², the Aurangabad Bench of this Court (Coram : Abhay S. Waghvase J.) allowed the application of an accused person to undertake Umrah pilgrimage in similar circumstances.

9. That apart, Article 25(1) of the Constitution of India would

¹ 2019 SCC OnLine SC 2048.

² Criminal Application No.365 of 2025 decided on 25.02.2025

entitle the Applicant to maintain the present Application before Court.

10. In view of my above observations, Application stands allowed. Applicant is permitted to travel for religious purpose for a period of 20 days as sought for by him beginning from tomorrow onwards but with a caveat that he shall furnish his entire travel information and itinerary including tickets, visa and addresses where he intends to stay while abroad to the prosecution before he undertakes the trip. It is clarified that present order shall remain in force upto 23.04.2025 to enable applicant to undertake the aforesaid trip. The bail condition permitting the Applicant to travel to Saudi Arabia as per the above order shall stand relaxed.

11. In the above terms, Interim Application is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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