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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 747 OF 2025
IN
CRIMINAL BAIL APPLICATION NO. 3946 OF 2024

Mohammed Farooq Mohammed Hanif Shaikh .. Applicant
Versus
Central Bureau of Investigation .. Respondent

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- Mr. Sandeep Karnik, Advocate for Applicant.
 - Mr. Kuldeep Patil, Advocate for Respondent.
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CORAM : MILIND N. JADHAV, J.
DATE : MARCH 26, 2025.

P.C.:

- 1.** Heard Mr. Karnik, learned Advocate for Applicant and Mr. Patil, learned Advocate for Respondent – CBI.
- 2.** This Interim Application seeks modification / deletion of the bracketed condition No.(vi) of the operative order dated 02.01.2025 passed by this Court in Bail Application No.3946 of 2024. The said condition reads thus:-

“(vi) The applicant shall surrender his passport before the Learned Special Judge [and shall not leave the Mumbai Metropolitan Region without the prior permission of Learned Special Judge.]”

- 3.** Mr. Karnik, learned Advocate for Applicant has drawn my attention to order dated 14.02.2025 passed by this Court in Bail Application No.184 of 2025 of the present Applicant in connection to

another crime wherein this Court has taken cognizance of the various medical ailments suffered by the Applicant. He would submit that Applicant desires to undergo certain medical treatment which require him to frequently travel beyond the jurisdiction of Mumbai Metropolitan Region at short notice depending upon availability of appointment of doctors at short notice. He would submit that Applicant has and will continue to abide by all conditions laid down in order dated 02.01.2025 and has also furnished surety before the Court as directed and hence would submit that no prejudice would be caused to the prosecution case in the event his request for modification of condition No.(vi) is allowed by the Court. He would submit that Applicant would abide by any such condition which would not require him to repeatedly approach the Trial Court and seek permission for undergoing medical treatment outside the jurisdiction of Mumbai Metropolitan Region. Hence considering his above submissions and the severe medical ailments which have been delineated and taken into cognizance by this Court in its order dated 14.02.2025, he would urge the Court to modify condition No.(vi) of order dated 02.01.2025 as deemed fit by the Court.

4. Mr. Patil, learned Advocate for Respondent would submit that considering the indictment of Applicant in the crime in question, the only anxiety is that if he is allowed to travel outside city of Mumbai he would probably impair proceedings in the Trial as also he would be

a flight risk. These objections and concerns expressed by Mr. Patil can undoubtedly be addressed as there are appropriate conditions already in the bail order.

5. I have considered the submissions and grounds in the Application. *Prima facie*, it is seen that any condition while granting bail ought not to be onerous to such an extent that it would defeat the purpose of granting bail. The ethos and essence of bail has been laid down as far back as in the year 1923 in the case of ***In Re: Nagendra Nath Chakravarti***¹ by the Calcutta High Court wherein it has been stated that the real purpose of granting bail is to ensure and secure presence of Applicant for conduct of trial before Trial Court and if that purpose is seen to be served then in that case bail should be granted.

6. Considering the serious medical ailments of Applicant, the grounds stated in the the Application deserve consideration. Here is the case of Applicant before me who is suffering from various medical ailments which have been taken into cognizance by this Court in detail in the order dated 14.02.2025. Requiring an Applicant suffering from such serious medical ailments to approach the trial Court for seeking permission to travel outside the jurisdiction of Mumbai Metropolitan Region involves substantial delay after approaching the Court of law for seeking permission for placing the Application and for hearing and deciding the said Application by which time the real essence and

¹ 1923 SCC OnLine Cal 318

purpose for which the Applicant desires to travel is sometimes lost.

7. Taking into account the severity of the medical ailments suffered by the Applicant and the fact that he is frequently required to travel beyond the jurisdiction of Mumbai Metropolitan Region for undergoing medical treatment it would not be a judicious proposition if Applicant is required to approach the Trial Court repeatedly every now and then to seek permission to travel outside the city of Mumbai for undergoing medical treatment. It would rather defeat the entire purpose of the order of bail.

8. In view of my above observations and also ensuring that the concern expressed by Mr. Patil, learned Advocate is taken care of, the bracketed portion in condition No.(vi) of order dated 02.01.2025 stands deleted as under:-

“(vi) The applicant shall surrender his passport before the Learned Special Judge [and shall not leave the Mumbai Metropolitan Region without the prior permission of Learned Special Judge.]”

9. Rest of the portion of condition No.(vi) is retained as it is.

10. However, it is directed that Applicant shall always intimate the details of his travel itinerary and all such details to the concerned Investigating Officer as and when he travels out of Mumbai and in case he travels in an exigency he shall ensure that the said details are conveyed to the concerned Investigating Officer immediately after he

undertakes the travel within 2 days of his travel and he shall also inform the details of his return and stay outside Mumbai.

11. Needless to state that if Applicant desires to travel abroad, he shall take permission of the Trial Court for such travel and in the event if any such Application is made to the Trial Court, the Trial Court shall without delay determine such Application expeditiously in accordance with law.

12. In terms of above directions, Interim Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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