

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

**INTERIM APPLICATION NO. 1927 OF 2025
IN
CRIMINAL BAIL APPLICATION NO. 209 OF 2025**

Kinjal Kamlesh Desai. ... Applicant.
Vs.
State of Maharashtra. ... Respondent.

Ms. Sakshi Mane a/w. Mr. Harshavardhan Kshirsagar, Advocate for the Applicant.

Mrs. Prajakata P. Shinde, APP for Respondent/State.

CORAM : ASHWIN D.BHOBE, J.

DATE : 2ND JUNE, 2025.

(VACATION COURT)

P.C. :

1. Not on board. Upon mentioning taken on board.
2. Heard Ms. Sakshi Mane, learned Advocate for the Applicant and Mrs. Prajakta Shinde, learned APP for the Respondent -State.
3. By the present Application, the Applicant has sought for the following substantive reliefs :

“a) That this Hon'ble Court be pleased to permit the Applicant/Accused to travel to Singapore and Bali, from Mumbai from 26th May 2025 to 7th June 2025 on any terms and conditions as this Hon'ble Court may deem fit to grant in the circumstances of this case.

b) That this Hon'ble Court be pleased to direct the MIDC Police

Station to return the passport of the Applicant/Accused bearing No. P2365063 forthwith in order to enable him to carry out visa formalities and further permit the Applicant/Accused to retain the passport till 8th June 2025 in his custody;”

4. Ms. Sakshi Mane, learned Advocate for the Applicant tenders an order dated 30th May, 2025 passed by the learned Session Court, Borivali Division, Dindoshi, Goregaon, in Crime No. 746 of 2024. The same is taken on record and marked “X” for identification. The order as referred to in the document at “X” reads as follows :

“Order dictated and pronounced in open court.

F.R.S.R. following order is passed

ORDER

1. *Misc. Application No. 193/2025 is partly allowed.*
2. *The applicant-Kinjal Kamlesh Desai is permitted to travel abroad i.e. Singapore and Bali during the period from 30.05.2015 07.06.2025 on following conditions:*
 - (i) *He shall give his schedule of travelling abroad and also disclose his address where he will stay and give his contact number to the Investigation Officer.*
 - (ii) *After his return from abroad, he shall report to the concerned Police Station.*
3. *Misc. Application No. 193/2025 stands disposed of accordingly. Parties to act on the copy of this Roznama duly authenticated by Court.”*

5. Ms. Sakshi Mane, learned Advocate for the Applicant, on the basis

of the above said facts states that bail condition No. 27 (5) of the order dated 20th January, 2025 is required to be modified by directing the Investigation Officer to hand over the passport to the Applicant.

6. Mrs. Prajakta Shinde, learned APP for the Respondent-State submits that no modification of the bail Condition No. 27(5) is required. She states that the Applicant instead of approaching this Court ought to have requested the Investigating Officer to hand over passport to the Applicant, upon passing of the order dated 30th May, 2025 passed in Misc. Application No. 193/2025, as reflected in document at “X”.

7. Ms. Sakshi Mane, learned Advocate for the Applicant states that such recourse was not adopted by the Applicant. She states that the Applicant shall now approach the Investigating Officer, MIDC Police Station, Andheri with the Order dated 30th May, 2025 passed in Misc. Application No. 193/2025, requesting the Investigating Officer to hand over the passport for the purpose of travel. She further states that the Applicant would undertake before the said Investigating Officer that upon the Applicant's return to India on 7th June, 2025, the Applicant shall deposit said passport with the Investigating Officer.

8. The learned APP on instructions from the Investigating Officer,

states that the Applicant can approach the Investigating Officer today itself and the Investigating Officer would do the needful after complying with the formalities, so that the Applicant can travel as scheduled. She states that the Applicant should furnish an undertaking to the Investigating Officer to the effect that the passport would be deposited with the Investigating Officer immediately upon return of the Applicant to India.

9. Ms. Sakshi Mane, learned Advocate for the Applicant states that the Applicant will approach the Investigating Officer and she assures the Court that the undertaking as required by the learned APP shall be furnished to the Investigating Officer, MIDC Police Station, Andheri at the time of making request to return the passport.

10. Ms. Mane and the learned APP submit that the present Application be disposed of in terms of the statements of the parties recorded herein above.

11. The Interim Application stands disposed of.

[ASHWIN D.BHOBE, J.]