

Ajit

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2024 OF 2025
IN
BAIL APPLICATION NO. 1007 OF 2022**

Mukesh Chunilal Bhatia ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Shekhar Jagtap, *a/w Sairuchita Chowdhary a/w Tanmay
Tendulkar i/b J. Shekhar Associates for the Applicant.*

Mr. Yogesh Y. Dabake, *APP for the State-Respondent.*

**CORAM DR. NEELA GOKHALE, J.
DATED: 17TH SEPTEMBER 2025**

PC:-

1. By way of the present application, the Applicant seeks relaxation of condition (iv) of paragraph 20 of the order dated 27th July 2023. The condition (iv) reads thus:

“(iv) The Applicants shall surrender their passports to the Investigating Officer and in the event, they do not hold the passport to file an affidavit to that effect before the Special Court.”

2. Mr. Shekhar Jagtap, learned Counsel for the Applicant, brings to my attention condition (v) of paragraph 20 of the said bail order, whereby there is a condition imposed that the Applicant shall not leave the country without prior permission of the Special Court. He thus, submits that even if he receives his passport, he is still unable to leave the country without permission of the Special Court. He thus, submits that no prejudice will be caused to the State, if his passport is returned. He seeks return of his passport on the ground that same requires to be renewed as and when it expires. He also submits that, on many occasions, the passport is treated as proof of identity and residence, and hence, he requires his passport. Mr. Jagtap further states that the Applicant is already discharged from the offences of MCOCA and he has also sought his discharge from the IPC offences. His revision application is also pending.

3. On the other hand, Mr. Yogesh Dabake, learned APP, submits that even the State has also moved a revision

application against the order discharging the Applicant from the MCOCA offences. The said revision application is also pending. Be that as it may, Mr. Jagtap relies on an order dated 6th March 2025, passed by a coordinate Bench of this Court in Criminal Application No. 105 of 2025, whereby the Court held that passport is not an incriminating document in the prosecution case and hence its seizure permanently *prima facie* would be violative of the provisions of Sections 10(3)(e) and 10-A of the Passports Act, 1967 and it would indirectly amount to impounding of the passport.

4. Be that as it may, admittedly, the Applicant is unable to leave the country without permission of the Special Court, by virtue of the condition (v) imposed on him. Hence, even if the passport is returned, no prejudice is caused to the State.

5. The order enlarging the Applicant on bail is dated 27th July 2023. The Applicant is a builder by occupation. He may genuinely require his passport for reasons stated by him. It appears that the Applicant has not sought permission to travel

till date. In any case, he is required to seek the permission of the Special Court if he desires to travel abroad. Thus, I am of the view that no purpose is served by the Investigating Officer retaining the passport.

6. In view of the aforesaid, the passport shall be returned to the Applicant within a period of one week from the date of this order. It is however, directed that as and when the Applicant requires to travel abroad, he shall furnish all the details of travel along with tickets, the bookings of the hotel where he intends to stay, the purpose of travel as well as the date of his departure and return to India, etc. with the Investigating Officer at least one week in advance before he intends to travel.

7. The application is allowed and disposed of accordingly.

(DR. NEELA GOKHALE, J)