

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2597 OF 2025
IN
CRIMINAL BAIL APPLICATION NO. 3532 OF 2024

Vijay Dattatray Kharkar

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Tushar Kochale a/w Mr. Ajay Jankar, Mr. Yash Jadhav, Ms. Subechha Karsung and Mrs. Pradnya Bhite, learned Advocates for the Applicant.
Mr. Pandurang H. Gaikwad, learned A.P.P. for the State/Respondent.
Mr. Rangan Majumdar a/w Mr. Sandeep Raman, learned Advocates for Respondent No. 2.
API Mr. Rajiv Prabhudas Lole attached to NRI Coastal Police Station, Navi Mumbai is present in the Court.

CORAM : ASHWIN D. BHOBE, J.
DATE : 22nd JULY 2025.

P.C. :

1. Heard Mr. Tushar Kochale, learned Advocate for the Applicant, Mr. Pandurang Gaikwad, learned A.P.P. for the State/Respondent and Mr. Rangan Majumdar, learned Advocate for Respondent No. 2.

2. By the present Application, the Applicant has sought for the following relief :-

“A) To allow present Interim Application and direct the Officer-in-Charge of the NRI Sagri Police Station, Navi Mumbai and/or Investigating Officer of Crime No.

120/2024 registered with the NRI Sagri Police Station, Navi Mumbai to release Applicant's passport and handover the same to the Applicant."

3. Applicant had filed an Interim Application No. 2437 of 2025 in Criminal Bail Application No. 2024 of 2025 seeking reliefs, which are now sought for in the present Application. This Court had made the following order on 14th July 2025 :-

"1. Heard Mr. Tushar Kochale, learned Advocate for the Applicant and Mr. P. H. Gaikwad, APP for Respondent-State.

2. By the present Application, the Applicant is seeking the following order :-

A) To allow present Interim Application and direct the Officer-in-charge of the NRI Sagri Police Station, Navi Mumbai, and/or Investigation Officer of Crime No. 120 / 2024 registered with the NRI Sagri Police Station, Navi Mumbai, to release Applicant's Passport and handover the same to the Applicant.

3. Mr. P. H. Gaikwad points out that the condition imposing surrender of passport was imposed by this Court in Interim Application No. 3749 of 2024 filed in Criminal Bail Application No.3532 of 2024. He submits that the Criminal Bail Application No.3532 of 2024 was disposed on 27th January, 2025. He submits that the present Application seeking the return of passport is erroneously made by the Applicant in Criminal Bail Application No.2024 of 2025. He submits that the Bail conditions in order dated 8th May, 2025 passed in Criminal Bail Application No. 2024 of 2025 does not pertain to the passport.

4. Faced with the above situation, Mr. Tushar Kochale, learned Advocate for the Applicant, seeks leave to withdraw the present Application, with liberty to file a proper

Application in Bail Application No.3532 of 2024. Leave to withdraw granted with liberty to file an appropriate Application in Bail Application 3532 of 2024.

5. In view of the above, Interim Application No. 2437 of 2025 is dismissed as withdrawn with liberty as above.”

4. In terms of the liberty granted by order dated 14th July 2025, the Applicant has filed the present Application. Subject matter of the present Application pertains to Crime No. 120 of 2024 registered with NRI Coastal Police Station, District-Navi Mumbai for the offences punishable under Sections 307, 326, 324, 143, 144, 147, 148, 149, 354, 323, 504, 506, 201 and 452 of the Indian Penal Code, 1860.

5. Applicant was before this Court seeking bail in Criminal Bail Application No. 3634 of 2024. By order dated 3rd September 2024, the Applicant was granted temporary bail on account of the death of his mother. By order dated 13th September 2024 passed in Interim Application No. 3749 of 2024 in Criminal Bail Application No. 3535 of 2024, the period of interim bail granted to the Applicant was extended. Paragraph no. 7 of the order dated 13th September 2024 reads as follows :-

“7. In view of the above, interim order dated 3rd September 2024 is extended till 20th September 2024. In the meanwhile, apart from abiding by the conditions specified by this Court in paragraph no. 6 of the order dated 3rd September 2024, the Applicant shall surrender his passport with the Investigating Officer and he shall attend the Police Station on 19th September 2024.”

6. By order dated 27th January 2025, the Applicant had sought

withdrawal of Criminal Bail Application No. 3532 of 2024. In view of the request for withdrawal, the said Bail Application was disposed of with liberty.

7. By order dated 8th May 2025 passed in Criminal Bail Application No. 2024 of 2025, the Applicant was granted regular bail on the following conditions :-

“A] The Application is allowed.

B] The Applicant be released on bail in Crime No. 120 of 2024 registered at NRI Sagri Police Station, Navi Mumbai for the offences punishable under Sections 307, 326, 324, 143, 144, 147, 148, 149, 354, 323, 504, 506, 201 and 452 of the Indian Penal Code, 1860, on furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount.

C] The Applicant shall not enter into the limits of District Thane and Raigad except to attend the dates before the Trial Court, till conclusion of the trial.

D] The Applicant shall not tamper with the prosecution evidence in any manner.”

8. Request made by the Applicant in the present Application is for return of his passport, which was the condition for temporary bail, during pendency of Criminal Bail Application No. 3532 of 2024. The said Bail Application was disposed of on 27th January 2025.

9. Mr. Tushar Kochale, learned Advocate for the Applicant submits that the Applicant had complied with the condition of

interim bail. He submits that upon disposal of Criminal Bail Application No. 3532 of 2024, Applicant was entitled to return the passport. He submits that the Applicant was granted regular bail on 8th May 2025. He submits that order dated 8th May 2025 passed in Criminal Bail Application No. 2024 of 2025 does not require the Applicant to either surrender his passport or retain the passport, which was surrendered by the Applicant in Interim Application No. 3749 of 2024 in Criminal Bail Application No. 3532 of 2024.

10. Mr. Pandurang Gaikwad, learned A.P.P. for the State/Respondent submits that the disposal of Criminal Bail Application No. 3532 of 2024 would entitle the Applicant for return of his passport.

11. Mr. Rangan Majumdar, learned Advocate for Respondent No. 2 submits that in the event the passport is released to the Applicant, Respondent No. 2 has apprehension that the Applicant would flee away. On a specific query to Mr. Rangan Majumdar, learned Advocate to point out 'whether the Court has imposed any bail condition while releasing the Applicant on regular bail or whether any order being passed by the learned Trial Court restraining the Applicant from travelling or making use of his passport?', he answered in negative.

12. In view of the above, the present Application is allowed in terms of prayer clause (A).

13. It is clarified that Respondent No. 2 is at liberty to raise its grievances, if entitled in law before the appropriate forum.

14. Interim Application No. 2597 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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KOTAWADEKAR

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