



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
: NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION [APPA] NO. 38 OF 2025

in

CRIMINAL APPEAL NO. 395 OF 2021

DEVENDRA S/o MAHADEORAO BHUYAR

VERSUS

STATE OF MAH., THRU. P.S.O, P.S., WARUD, DIST. AMRAVATI AND ANOTHER.

With

CRIMINAL APPLICATION [APPA] NO. 37 OF 2025

in

CRIMINAL APPEAL NO. 390 OF 2022

DEVENDRA S/o MAHADEORAO BHUYAR

VERSUS

STATE OF MAH., THRU. P.S.O, P.S., GADGE NAGAR, AMRAVATI AND ANOTHER.

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. T. U. Tathod, Advocate for the applicants.
Mr. N. R. Rode, A.P.P. for the non-applicant no.1/State.
Mr. S. A. Chaudhari, Advocate for non-applicant no.2

CORAM : G. A. SANAP, J.

DATE : FEBRUARY 10, 2025.

1. Heard Mr. T. U. Tathod, learned advocate for the applicant, Mr. N. R. Rode, learned APP for non-applicant no.1 and Mr. S. A. Chaudhari, learned advocate for non-applicant no.2.
2. The applicant in both these applications is the same, seeking identical relief. Hence, these applications are decided by the common order.
3. The applicant has been convicted and sentenced for the offences punishable under Sections 353, 294 and 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three months, two months and three

months, respectively. The substantive sentence has been suspended by this Court in appeals.

4. Learned advocate for the applicant would submit that the passport, which was renewed for one year has expired. The applicant is proposing to travel Abu Dhabi, Dubai and Azerbaijan. Learned advocate would submit that the similar request was considered by this Court vide order dated 18.08.2022. Learned advocate submitted that the right to travel abroad is a fundamental right. Denial of permission, in the submission of the learned advocate, would tantamount to curtailing the personal liberty as contemplated under Article 21 of the Constitution of India. It is submitted that therefore, the prayer made by the applicant for renewal of his passport and to travel abroad may be granted.

5. Learned APP and the learned advocate for non-applicant no.2 have opposed the applications. It is submitted that the possibility of fleeing from justice cannot be ruled out, if the applicant is granted permission to travel abroad on the renewed passport.

6. I have gone through the record and proceedings. The substantive sentence has been suspended. The maximum sentence imposed does not exceed three months. The sentences are directed to run concurrently. The similar application made by the applicant was allowed vide order dated 18.08.2022. There is no grievance with regard to the misuse of liberty, after the permission to travel abroad on

renewed passport, in terms of the earlier order. Therefore, in my view, it would be just and proper to grant both the applications.

7. Accordingly, both the applications are allowed.

i] The Passport Authority is directed to consider grant/renewal of passport without considering pendency of the present criminal appeals, if the application of applicant otherwise complies with the provisions of the Passport Act.

ii] The applicant shall not visit any other country than Abu Dhabi, Dubai and Azerbaijan.

iii] The applicant shall furnish his cell phone number to the Investigating Officer and shall also give 48 hours prior notice to the Investigating Officer before his departure from India, giving the details such as flight and ticket number.

iv] The applicant shall return to India on or before 10th March, 2025.

v] The applicant shall mark his attendance before the Indian Embassy in Abu Dhabi, Dubai and Azerbaijan on each Monday till he is in Abu Dhabi or Dubai or Azerbaijan.

vi] The applicant shall carry cell phone with active cell phone No. 9420077594.

vii] Both the applications stand disposed of in above terms.

An authenticated copy of this order be provided to the learned advocate for the applicant to act upon.

(G. A. SANAP,J.)

Diwale