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

**INTERIM APPLICATION NO. 2591 OF 2025
IN
CRIMINAL APPEAL NO. 360 OF 2016**

Sachin Bhanudas Kotkar

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Ms. Tanvi Tapkire a/w Mr. Anup Patil i/b Mr. Abhaykumar Dilip Ostwal for the Applicant.

Dr. Dhanalakshmi Krishnaiyer APP for the Respondent-State.

Mr. D. P. Singh for the Respondent No. 2.

**CORAM: MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE: 16th MARCH 2026

P.C.

1. The Applicant has approached this Court praying for permission to apply before the concerned Passport Authority, for issuance of passport having validity period of 10 years.

2. The Applicant is original Accused No.7 in C.R. No. I/302 of 2009. The Applicant has been convicted by the Additional Sessions Judge, Nashik vide order dated 11th April 2016 in Sessions Case No. 62 of 2014 for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860 and was sentenced to undergo imprisonment for life and to pay a fine of Rs.5,000/- and in default to undergo further rigorous imprisonment for one year.

3. The Applicant, during pendency of the trial, was released on bail by the Trial Court, one of the conditions being that he shall surrender his passport, if any, before the Investigating Officer and shall not leave India without permission of the Court.

4. The Applicant was thereafter convicted by the trial court against which the Applicant preferred Appeal before this Court which was admitted. The Applicant also preferred an application for bail pending Appeal. This Court vide order dated 13th January 2020, was pleased to release the Applicant on bail pending the Appeal on certain terms and conditions and one of the conditions being that the Applicant shall not leave India without prior permission of this Court.

5. The Applicant has preferred the present application for issuance of passport having validity period of 10 years before the concerned passport authority.

6. This Court vide order dated 13.1.2026, had permitted the Applicant to add Regional Passport Office as a party respondent. Pursuant to the notice issued by this Court, the Regional Passport Office has caused its appearance through counsel and has filed the reply.

7. Heard Learned Counsel Ms. Tanvi Tapkire for the Applicant, Dr. Dhanalakshmi Krishnaiyer APP For State/Respondent and Learned Counsel Mr. D. P. Singh, SPP for the Respondent No.2.

8. The Ld. Counsel has submitted that the Applicant does not possess a passport. She has submitted that during the suspension of sentence and

grant of bail by this Court pending the Appeal there was no condition imposed on the Applicant to deposit the passport. The Ld. Counsel also submitted that directions be given to the Respondent No 2 to issue passport for a period of 10 years and after the issuance of the passport the Applicant be permitted to retain the passport.

9. Per Contra, the Ld. Counsel appearing for Respondent No 2 strongly opposed the application and urged that application be rejected. He has placed on record Copy of the GSR dated 25.8.1993 and submitted that in the event the Court is inclined to issue directions to Respondent No 2 to issue the passport then the passport will be issued as per the GSR dated 25.8.1993 as according to him all the passport applicants against whom proceedings in respect of an offence alleged to have been committed are pending before a criminal court in India are governed by the provisions of Section 6(2)(f) of the Passport Act, 1967 r/w the provisions of GSR 570(E) dated 25.08.1993.

10. We have considered the rival submissions.

11. The prayer in the Interim Application in Criminal Appeal is for permission to apply before the concerned Passport Authority, for issuance of passport having validity period of 10 years.

12. Considering the fact that this Court while granting bail has imposed a condition that the Applicant has to seek permission of this Court to travel abroad and that this Court is of the opinion that the Applicant should deposit the passport with the I.O., once it is issued, in that case, the prayer

of the Applicant seeking directions to the passport authority to issue the passport can be considered.

13. Accordingly, the Applicant to make necessary application to the concerned passport office for issuance of the same, which the Passport Authority shall consider in accordance with Passport Act and Passport Rules, if the Applicant otherwise satisfies the requirements of the Passport Act and the applicable Passport Rules.

14. It is made clear that immediately after the passport is issued and is received by the Applicant, the Applicant shall within a period of 2 days, deposit the issued passport with the Investigating Officer and which shall be retained by the Investigating Officer during the pendency of the Appeal. In the event the I.O. has changed, the same shall be deposited with some responsible police officer of the Kotwali police station.

15. Hence, the following order:

ORDER

(a) The Applicant is permitted to apply to the concerned Passport Authority/ Regional Passport Office for issuance of passport within a period of two weeks from the date of this Order and the Passport Authority to consider issuance of passport to the Applicant, as per Passport Act and Passport Rules, if the Applicant otherwise satisfies the

requirements of the Passport Act and the applicable Passport Rules.

(d) Upon issuance of the passport of the Applicant and upon receipt of the same, the Applicant shall immediately deposit the same within two days with the Investigating Officer during pendency of the Appeal.

16. With the above directions, the Application stands disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)