

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 209 OF 2026

George Mathen.

... Petitioner.

V/s.

The State of Maharashtra.

... Respondents.

Mr. Eshaan Saroop i/b. Mr. Hoshang Tafti, Advocate for
Petitioners.

Mr. Kiran Shinde, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 23rd JANUARY, 2026.

P.C. :

1. By the present Petition, the Petitioner assails the order dated 4th October, 2025 passed by the Additional Chief Judicial Magistrate, 47th Court, Esplanade, Mumbai in Misc. Application No. 2370 of 2025. By the said order, the Magistrate has rejected the request made by the Petitioner to travel out of India. Reasons given by the Magistrate for rejecting the said request of the Petitioner are two fold :- firstly the Petitioner is alleged to have

two passports and secondly, the Petitioner is said to be flight risk.

After hearing the learned Advocate for the Petitioner on 22nd

January, 2026, following order was made :

“1. Heard Mr. Eshaan Saroop, learned Advocate for the Petitioner and Mr. Kiran Shinde, learned A.P.P. for the State/Respondent.

2. Mr. Eshaan Saroop, learned Advocate for the Petitioner submits that by order dated 20.11.2017, the Petitioner was released on bail subject to the conditions mentioned in the said order. He submits that Condition No. 5 of the said order requires the Petitioner to deposit his passport to the Investigating Officer, whereas Condition No. 3 of the said order requires the Petitioner not to leave India without prior permission of the Court. He submits that the Petitioner has applied to the Trial Court for permission to travel abroad on several occasions and the Trial Court had granted him the permission.

3. Perusal of the order impugned in the present Petition, i.e. the order dated 04.10.2025, makes a reference to allegations of Petitioner having two passports and the Petitioner being a flight risk in this matter. Those observations are in paragraph nos. 4 & 8 of the orders dated 04.10.2025.

4. Mr. Kiran Shinde, learned A.P.P. for the State/Respondent submits that he will take instructions from the Investigating Officer on both the said issues viz. Whether the Petitioner possesses two passports and whether the Investigating Officer has reasonable apprehension of the Petitioner being a flight risk. He states that the instructions would be taken within a day and reported to the Court. He requests for listing of this matter on 23.01.2026.

5. At the request of Mr. Kiran Shinde, learned A.P.P for the State/Respondent and by consent of the parties, list the matter on 23rd January 2026.”

2. Today, Mr. Kiran Shinde, learned APP for the State on instructions from the Investigation Officer who is present in the court states that upon verification, it is found that the Petitioner has one single passport. He further submits that in the event, the Petitioner gives his itinerary details as to the date of travel and date of return, his contact number, email, his address at which he would be residing during his travel out of India, the Investigation Officer does not object to the request made by the Petitioner. He fairly states that the Petitioner was granted permission to travel on earlier occasion by the Magistrate.

3. Mr. Eshaan, learned Advocate for the Petitioner states that he has got the entire itinerary of the proposed travel of the Petitioner for the period commencing from 25th January, 2026 upto 31st March, 2026. He states that copy of the same has been handed over to Mr. Kiran Shinde, learned APP. He tenders a Photostat copy duly signed by him which is taken on record and marked as “X” colly. for identification. Mr. Kiran Shinde, learned

APP for the State upon perusing the said itinerary details has taken instructions from the Investigation Officer present in court, who has expressed his satisfaction about the details and the programme furnished by the Petitioner.

4. Mr. Kiran Shinde, learned APP for the State on the basis of instructions from the Investigating Officer, submits that the Petitioner can be granted permission to travel out of India during the period 25th January, 2026 up to 31st March, 2026. Mr. Eshaan Saroop, on instructions from the Petitioner undertakes to the Court that the time schedule and details mentioned in the document at “X” colly. shall be strictly abided by the Petitioner.

5. In view of the above, request made by the Petitioner to travel out of India for the period of 25th January, 2026 upto 31st March, 2026 is permitted on the following conditions :

(a) Petitioner shall abide by the details/itinerary as mentioned by him in documents at “X” colly.

(b) Petitioner shall furnish his contact details, email details and the address where he would be residing during the travel out of India.

(c) Petitioner shall give copy of his Visa and Passport to the Court as well as to Sr. PI of the Concerned Unit of EOW.

(d) Petitioner shall inform to the concerned Unit of EOW before his departure and after his arrival.

(e) In addition to the surety given by him, Petitioner shall give the cash security of Rs.1,00,000 in the Trial Court.

(f) Petitioner shall not dispute his identity in the trial before Court during his absence from India.

(g) Petitioner is directed to furnish contact numbers of his two close relatives in India and provide proof of his permanent resident.

(h) Petitioner shall make necessary arrangements to proceed with the matter through his advocate within the said period and he shall not hinder matter/proceedings during his stay abroad.

(i) This order shall not be cited as precedent by the

Petitioner and in future if he has any intention to travel abroad, he shall apply for permission from the concerned Court in terms of the order dated 28th November, 2017.

6. In view of the above, Writ Petition No. 209 of 2026 is disposed of. No order as to costs.

(ASHWIN D. BHOBE, J.)