

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 313 OF 2026
IN
CRIMINAL APPLICATION NO. 210 OF 2024

Nikhil Rajendra Chandarana

...Applicant

Versus

1. The State of Maharashtra

2. Smt. Sushma H. Agarwal

...Respondents

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KULKARNI

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Mr. R. Sathyanarayanan, a/w Rahul Raj, for the Applicant.

Smt. S. G. Talhar, APP for the State – Respondent No.1.

Mr. Pratham Rakesh Jain, for Respondent No.2.

CORAM: N. J. JAMADAR, J.

DATED: 3rd FEBRUARY, 2026

Oral Order:-

1. Heard the learned Counsel for the applicant.
2. This application, in Criminal Application No.210 of 2024 is filed seeking permission to travel to Singapore from 4th February, 2026 to 6th February, 2026.
3. Mr. Sathyanarayanan, the learned Counsel for the applicant, submits that the applicant was constrained to approach this Court as the learned Magistrate has not taken the application to travel abroad on board and the applicant is required to travel to Singapore from 4th February, 2026 to 6th February, 2026.

4. The learned Counsel for respondent No.2 – original complainant submits to the order of the Court.

5. The applicant has filed an additional affidavit wherein the applicant has made the following averments:

“3. I state that during the pendency of R.C.C.1033/2021 I had been permitted to travel to South Africa during the period from 06.06.2024 to 12.06.2024. This was pursuant to Order dated 05.06.2024 passed by the Learned JMFC, Thane and I tried my best to locate the Order. However I could not trace it. I approached the court of Learned Judicial Magistrate, First Class, Thane, to obtain certified copy again, but I was given to understand that it would take at least two days to get a certified copy. Therefore, I am filing this affidavit to place on record that I travelled to South Africa during the period from 06.06.2024 to 12.06.2024 after obtaining prior permission of the Learned JMFC, Thane. This Order was passed on 05.06.2024. And one of the conditions was that I deposit Rs.30,000/- as cash security, which I deposited on 05.06.2024. On return I applied for refund, which was refunded to me accordingly. In fact the application for permission to travel to South Africa was processed through my advocate R. Sathyanarayanan.”

6. The applicant is facing prosecution for the offences punishable under Sections 326, 324, 504 and 506 of the Indian Penal Code, 1860. By an order dated 4th January, 2023, the applicant was granted bail subject to the condition that the applicant shall not leave India without the permission of the Court. It appears that, the applicant was permitted to travel abroad in the past and has returned to India.

7. Having regard to the nature of the accusation and the situation in life of the applicant, it does not appear that the

applicant poses a flight risk. The right to travel abroad is considered to be a facet of the right to life guaranteed under Section 21 of the Constitution of the India. In these circumstances, the Court is inclined to allow the application.

8. Hence, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) The applicant is permitted to travel to Singapore for the period 4th February, 2026 to 6th February, 2026, subject to depositing an amount of Rs.50,000/- in the trial Court, by way of security.
- (iii) The applicant will be entitled to refund of the security deposit after he returns to India and reports to the trial Court.
- (iv) The applicant shall also furnish, on an affidavit, the details of the itinerary, particularly the date on which the applicant would return back to India, and the address/es at which the applicant would be residing at Singapore and contact number/s and address thereat.

- (v) The applicant shall also furnish a self attested copy of the passport alongwith the affidavit, to be filed before the learned Magistrate.
- (vi) Copy of such affidavit and self-attested copy of the passport be also furnished to the Investigating Officer.
- (vii) Application stands disposed.
- (viii) All concerned to act on an authenticated copy of this order.

Criminal Application No.210 of 2024, stand over to 26th March, 2026.

[N. J. JAMADAR, J.]