

**IN THE HIGH COURT OF BOMBAY AT GOA****LD-VC-CRI-84-2020  
IN  
CRIMINAL APPLICATION (BAIL) NO.206 OF 2019**

Imran Qazi ... Petitioner

Versus

State & Anr. ... Respondents

Shri S. Sardessai, Advocate for the Petitioner.

Shri Pravin Faldessai, Additional Public Prosecutor for the Respondents.

**Coram:- DAMA SESHADRI NAIDU, J.**

**Date:- 25 NOVEMBER 2020**

**ORAL ORDER :**

The applicant is an accused in Crime No.111/2019, registered by Ponda Police Station. The crime attracts Sections 354, 354(D), 504, 506(ii), 509, 498A, read with 34 of IPC.

2. On 28.03.2019, this Court granted anticipatory bail to the applicant subject to conditions. Two of those conditions are these:

(iv) The applicant shall not leave the jurisdiction of the police station concerned without this Court's prior permission;

(v) The applicant shall deposit his passport, if any, with the Investigating Officer.

3. Now, the applicant has come before this Court seeking modification of those two conditions. For that purpose, he pleads that he wants to visit his sister in Dubai in December 2020. Besides, he wants to assist his mother in her Hajj pilgrimage in 2021.

4. Heard Shri Sahil Sardessai, the learned counsel, for the petitioner and Shri Pravin Faldessai, the learned Additional Public Prosecutor, for the respondents.

5. In response to submissions advanced by applicant's counsel Shri Sardessai, the learned Additional Public Prosecutor Shri Faldessai points out that the applicant ought to be seeking the Court's leave to travel abroad and come back. Instead, if the present application is allowed in its entirety in the name of modifying the conditions, then the applicant will have the passport with him forever. That will facilitate his leaving the country whenever he wants. In that eventuality, it defeats the safeguards this Court wanted to impose as a condition precedent for the applicant to have anticipatory bail.

6. Nevertheless, Shri Faldessai has fairly submitted that this Court may treat this application as one for the Court's leave for the applicant to travel abroad. To elaborate, Shri Faldessai has submitted that this Court may impose suitable conditions and let the applicant travel abroad. But once he finishes his assignment and returns to India, he should redeposit the passport with the authorities concerned and continue to abide by all the conditions in the bail order, dated 28.03.2019. I see force in the submissions advanced by Shri Faldessai, the learned Additional Public Prosecutor.

7. Under these circumstances, I treat this application as one for the Court's leave for the applicant to travel abroad rather than one for modification of the bail conditions.

8. The Court permits the applicant to go abroad in December 2020 and to return to India by 31 January 2021. Thus, soon after his returning, he shall redeposit the passport with the IO. Thereafter, when the applicant's mother undertakes her Hajj pilgrimage in 2021, he may apply afresh.

9. Now, as a condition precedent for the applicant to leave the country in December 2020 and to return in January 2021, he should deposit with the trial Court ₹10,000/- as additional security. It is besides bail bond for ₹20,000/- the applicant furnished when he had been granted

anticipatory bail. As a consequence, to enable the applicant to undertake the travel, the Investigating Officer will hand over the passport to the applicant in one week after this order is served on him.

10. With the above directions, I dispose of this application.

Parties to act on the basis of an authenticated copy of this order.

**DAMA SESHADRI NAIDU, J.**

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