

MHAH010061502019



ORDER BELOW EXH.156 IN SESSIONS CASE No.327/2019 :
(The State of Maharashtra Vs. Dilip Nanabhau Satpute & Ors.)

1. This is an application filed by applicant-accused no.36 **Abhishek Kailas Bhosale** seeking for 'No Objection' for issuance of passport to travel abroad i.e. Dubai for business purpose.
2. The applicant-accused is charged for the offences punishable under section 143, 147, 148, 149, 297, 323, 324, 332, 336, 337, 341, 353, 427, 504 and 506 of the Indian Penal Code and section 3 & 4 of Prevention of damage to public property Act.
3. The applicant-accused submitted that he is permanent resident of Bhosale Akhada, Ahmednagar and hail from a respectable family. He is having movable and immovable properties. He is intending to go to abroad i.e. Dubai for business purpose for the period from 01.09.2024 to 15.09.2024. He has already applied passport authority for issuance of passport. However, the said authority informed him to produce 'No Objection' of the Court where his criminal case is pending. Unless he produce such objection from the Court, he would not get such passport from said authority. The aforementioned case is pending for appearance of other accused persons. After his appearance in said matter, he has not breached any conditions nor the Court has passed any order against him, except this, no other criminal case is pending against him. He is ready to submit undertaking that he shall remain present for the trial as and when called by the Court and ready to abide by the conditions that may be

imposed. It is therefore requested to issue No Objection for issuance of passport valid for further period of 10 years.

4. The Ld. A.P.P Shri. S.K. Patil on other hand strongly resisted the application by filing his say below Exh.159. He contended that if the applicant is granted permission to go abroad then he would never turn-up to attend the present case and will protract the proceeding. He therefore requested to reject the application.

5. Heard both sides. Gone through the record. It appears from record that the charge-sheet in the matter has been submitted on 29.03.2019. There are almost 82 accused in the matter. The case is now pending for appearance for some of the accused. Necessary steps are being taken to secure their presence. The trial would take time to conclude. In such circumstances, the applicant-accused may be granted 'No Objection' for issuance of passport to visit abroad for stipulated period on his submission of undertaking to the effect that he would not dispute his identity during trial and that his Advocate would be present on his behalf in the Court and that he would have no objection in taking evidence in his absence, when the trial is proceeded against him.

6. For the said reasons, I deem fit to allow the application subject to conditions. In the result, the following order is passed.

ORDER

1. The application is allowed.
2. Applicant-accused no.36 **Abhishek Kailas Bhosale** is granted permission to apply for issuance of passport and travel abroad with condition that he would not misuse the said permission obtained by him.

3. Applicant-accused shall give details of his foreign tour and the detailed address of his place/s of stay during said visit to this Court.
4. Applicant-accused shall submit an undertaking in this Court to the effect that he would not dispute his identity during trial and that his Advocate would be present on his behalf in the Court and he would have no objection in taking evidence in his absence, when the trial is proceeded against him.
5. Applicant-accused shall remain present on all given dates excluding the dates of his tour.
6. The application is accordingly disposed-of.

Date : 30/08/2024.

(**Makarand R. Mandawgade**)
Additional Sessions Judge,
Ahmednagar.