

MHAH030012242023



**RCC NO. 105/2023**

The State of Maharashtra  
Vs.  
Arif Rafiyaodin Shaikh

**ORDER BELOW EXH.35**

Erfan Sattar Shaikh (accused No.11) has moved present application for grant of no objection for obtaining passport for next ten years.

2. It is the contention of the accused that earlier he intends to visit his religious place at Saudi Arabia. Therefore, he needs passport for that purpose he applied with the Regional Passport Office Pune but they have taken objection as the matter is pending before this Court. Hence, prayed to allow the application.

3. Ld. APP opposed the application on the ground that the case is triable by the Court of Sessions. Considering gravity of the offence presence of accused is necessary at the stage of trial. Hence, prayed to reject the application.

4. Heard both sides.

5. Perusal of the application and submissions therein, the accused only want no objection for obtaining passport. The prosecution has opposed the application on the count of seriousness of the case. But mere obtaining passport does not mean that the accused is traveling abroad. For that purpose the accused will have to obtain permission of this Court. The accused has filed copy of his application made at Passport Seva and the objection raised by the concerned authority. Admittedly, the offence alleged against the accused is serious in nature. But the trial is yet to be commenced for want of presence of other accused. Hence, mere granting permission to obtain passport will not cause prejudice to prosecution. Therefore, it would be not proper to prevent the accused from obtaining passport. Hence, the order.

**ORDER**

1. Application is allowed.
2. No objection is granted for obtaining passport to the present accused No. 11 Erfan Sattar Shaikh, subject to conditions that-
  - a) if the accused want to travel abroad, he shall get prior permission of this Court.
  - b) he shall not misuse this no objection for any other purpose except the purpose for which it is granted.

Ahmednagar.  
Date :- 11/09/2025

( L. S. Padhen )  
Chief Judicial Magistrate  
Ahmednagar