

S. T. No. 95/2018
State of Maharashtra through
PSO Barshitakli
Vs.
Prakash Pohare +1

Applicant- Prakash Gopal Pohare,
Age 72 years, Occ. - Business,
R/o. Nishant Tower, 4th Floor,
Gandhi Road, Akola 444001

Order Below Exh. 121
(Passed on 22.06.2026)

Perused the application and the say filed by learned APP and PSO Barshitakli vide Exh. 124. Heard both learned counsels.

2) Applicant has filed the present application for grant of permission to travel abroad and for issuance of directions to the Regional Passport Office, Nagpur to issue passport to accused No. 1 Prakash Gopalrao Pohare.

3) Learned counsel for applicant argued that applicant is facing trial before this court for the offence punishable u/s. 304 r/w 34 of the Indian Penal Code registered with Police Station Barshitakli vide Crime No. 120/2016. Applicant is a businessman and he has to travel abroad for business purpose. Earlier also he has travelled to abroad. As applicant had valid passport till 2018, therefore he applied to Regional Passport Office for re-issuance of the same vide file No. NGC0477467714026 dated 19.05.2026. However, the passport office by its written communication informed applicant to furnish clarifications within 30 days regarding issuance of passport facility during the pendency of litigation and permission from the court. Said letter is filed alongwith present application. Therefore, in view of the same, permission may kindly be granted to applicant to travel abroad and necessary directions to passport authority be issued. Applicant is

ready to abide by the conditions, if any imposed by this court. Hence application be allowed.

4) Learned APP for State and PSO Barshitakli by their say Exh. 124 strongly opposed the said application. Learned APP argued that the Sessions Case is at fag end. Matter is posted for recording statement of accused persons. Therefore, if application is allowed and applicant is permitted to travel abroad, then matter will be prolonged and possibility of abscondance of applicant/accused cannot be ruled out. Hence application be rejected.

5) Having regard to the submissions made by both learned counsels and considering the matter on record, so also after going through the provisions of the Passport Act, 1967, I found that, applicant has been charge-sheeted by PSO Barshitakli for the offence punishable under Section 304 r/w 34 of the Indian Penal Code and Sessions Case No. 95/2018 is pending against him. The matter is now posted for recording statements of accused persons u/s. 313 of Cr.P.C./ 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Therefore it is clear that the matter is at fag end and is likely to be decided in near future.

6) After going through the application it is clear that no specific period of travel to abroad is mentioned in the application. Therefore, in view of the same and the letter issued by Regional Passport Office, Nagpur, I did not find any reason to deny applicant to travel abroad. Unless and until the passport is re-issued or renewed, it is not possible for applicant to travel abroad. Applicant has also filed on record the copy of Gazette having notification of Ministry of External Affairs, New Delhi dated 25.08.1992 which also exempts Indian citizens against whom proceedings in respect of an offence alleged to have been committed by them, are pending before a

Criminal Court in India and to produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of clause f of sub-section 2 of Section 6 of the Passport Act. Therefore, in view of the same and the provisions of Section 6 of the Passport Act and to protect personal liberty of applicant/accused and the fundamental rights guaranteed to him by the Constitution of India, it is necessary to accord permission to applicant/accused No. 1 to travel/depart abroad on certain conditions. No prejudice will be caused to the prosecution, if such permission is granted.

7) As no period of travel is mentioned in the application, therefore, in view of the aforesaid notification, permission needs to be granted to applicant to travel abroad during the period of six months commencing from 1 August, 2026 to 31st January, 2027 on certain conditions. This court has no objection to renew/re-issue passport to applicant for the aforesaid period, even though presently ST case No. 95/2018 is pending. Therefore, the Passport Authority shall take appropriate decision in respect of issuance of passport, if applicant satisfies the other requirements.

8) At last but not least, it is hereby make clear that the permission to travel abroad is granted to applicant/accused only in the present case i.e. Sessions Case No. 95/2018, the charge-sheet of which is filed by Police Station Barshitakli for the offence punishable u/s. 304, 34 of the Indian Penal Code vide Crime No. 120/2016. Hence the following order.

ORDER

1. Application is allowed.
2. Applicant/accused Prakash Gopalrao Pohare, R/o. Akola is hereby permitted to travel abroad during the period 1st August, 2026 to 31st January, 2027 subject to furnishing personal bond of Rs. 1 Lac

with solvent surety of like amount, with undertaking that after his return from abroad, he will attend the court without fail and if required.

3. This Court has no objection to renew or re-issue the passport by Passport Authority for the aforesaid period.

4. The Passport Authority is at liberty to take appropriate decision about issuance of passport to applicant, if other mandatory conditions are satisfied by applicant.

5. This order is confined to the matter i.e. Sessions Case No. 95/2018 (arising out of Crime No. 120/2016 registered with PS Barshitakli for the offence punishable u/s. 304, 34 of Indian Penal Code) only.

Akola
Date:- 22.06.2026

(P. B. Naikwad)
Additional Sessions Judge,
Akola