

MHNG090023112023

Summary Cri. Case No. 1233/2023
(State Vs. Ashfak & Others)



ORDER BELOW EXH.69

01] This is an application filed by **accused no.05 Ashif Rehemtulla Shaikh** for obtaining no-objection of this Court for renewal of passport.

02] The applicant/accused No. 05 contended that he is a permanent resident of Saoner and is engaged in private business. He further contended that the present case is pending against him under Sections 4 and 5 of the Maharashtra Gambling Act and Section 109 of the Indian Penal Code. He also submitted that he intends to travel abroad from India to attend the Hajj pilgrimage from 01/03/2026 to 31/12/2026. However, due to the pendency of the present matter, the passport authority has required a No Objection Certificate from this Court. The applicant has expressed his readiness and willingness to abide by any conditions that may be imposed by this Court.

03] The Investigating Officer filed his say *vide* Exh.70, however, he did not raise any objection to the present application.

04] The learned APP filed his say on this application and submitted that the say earlier filed on application (Exh. 54) may be considered his say to the present application. The learned APP objected on the ground that, there is possibility that, accused may abscond beyond jurisdiction. Hence, it is prayed that application be rejected.

05] Perused the application and say. Heard learned Advocate for Accused No.5 and learned APP for State.

06] At the outset it is to be stated here that earlier vide application (Exh.54) present applicant/accused No.05 prayed for similar prayer and sought by present application and same came to be allowed vide order dated 29/08/2024. From the application and documents filed along with it, it appears that the period of passport earlier issued has been expired. Therefore, by way of present application the applicant/accused No.05 is seeking further renewal of his passport and he has filed pursis (Exh.72) to that effect on record. It is not the case of prosecution that the accused has ever misused the permission granted by this Court for obtaining or renewal of the passport, nor it is their case that accused ever attempted to flew away from India. Moreover, by way of present application, the Accused has only sought permission/no objection of this Court for renewal of his Passport. Therefore, keeping in mind the earlier order passed below Exh.54 and facts stated supra if no objected is granted to the applicant/accused No.05, after imposing certain terms and condition, it will meet the ends of justice. Hence, considering the nature of allegations, requirements of law and right of Accused, I proceed to pass the following order :-

ORDER

1. Application Exh.69 is allowed.
2. This Court has no objection for the applicant/accused No.05 **Ashif Rehemtulla Shaikh** for renewal of Passport from the Passport Authority of India as per rules on the

following conditions :-

i] The accused shall execute a P. R. Bond of Rs.50,000/- along with one solvent surety in like amount, in case he intending to travel beyond India as a security for returning to India and also to appear before Court as and when so directed for the purpose of trial

ii] When the Accused intends to go out of the country, he shall be represented by his advocate during the period of his absence to conduct the matter and his identity shall not be challenged.

iii] That the Accused shall submit the verified copy of his passport and visa in the Court.

iv] That the Accused shall submit his tour itinerary in the court before he leaves the country.

v] The Accused shall submit his residential address during the period of his stay where he intends to travel, in the Court.

vi] That the Accused shall give undertaking to the Court that if required, he shall attend the Court as and when called upon, at any time during the trial.

vii] Any other condition which will be imposed by Court.

Saoner.
Date : 13/03/2026.

(Pradeepsingh P. Thakur)
Judicial Magistrate First Class,
[Court No.1], Saoner.