

MHNS070004272022

S.C. No. 45 of 2022

State of Maharashtra

... Complainant

Vs.

Shaikh Farooque Shaikh  
Ahmed (A-48)

... Opponents

**ORDER BELOW Exh.229**  
**(Passed on 28/02/2025)**

1. This is an application filed by accused No.48 namely Mr. Shaikh Farooque Shaikh Ahmed for grant of permission to obtain Passport for going to Haj Pilgrimage and Umrah.
2. Ld. APP for the State opposed the application by filing written say of I.O. at Exh. 230 and 231 respectively.
3. Heard Shri. A.N. Shaikh , Ld. Advocate for the accused no.48 and Shri. S.K. Sonawane Ld. APP for the State.
4. According to applicant-accused he has to go for Haj Pilgrimage and Umraha and therefore he applied for passport, however, as the case is pending in this Court, permission of the Court is required to be submitted to the concerned Passport Authority.
5. In the say of I.O. he has submitted that if permission is granted for getting the Passport, there is possibility of absconding of applicant-accused as he will leave the country.
6. Record shows that when the charge-sheet was filed it was filed against applicant-accused under Section 299 of Cr.P.C. and lateron the supplementary charge-sheet is filed. In all 50 persons are arrayed as accused. They are chargesheeted for the offence p/u/s. 307, 395, 353, 332, 333, 143, 144, 147, 148, 149, 120-B, 427, 186, 153, 153(A)(B)(C) of the Indian Penal Code and relevant sections of Maharashtra Police Act and Damage to Public

Property Act and also under the relevant provision of Juvenile Justice Act.

7. In the application and affidavit the applicant-accused has stated his age as “36 years”. Considering the age of applicant-accused, nature of offences registered against him, his criminal background and the fact that when the charge-sheet came to be filed initially it was filed against him under Section 299 of the Code of Criminal Procedure, 1973, as he was absconding, it can be said that if permission is granted to applicant-accused to obtain the Passport, there is every possibility of his leaving the Country and of his absconding. Therefore, the application is to be rejected. Hence, I pass the following order.

**ORDER**

1. The application is rejected.
2. Inform accordingly, to the concerned Passport Authority and the Police Station Officer of the concerned Police Station.

Date: 28/02/2025.  
Malegaon

(K. R. Patil)  
Additional Sessions Judge,  
Malegaon.