

ORDER BELOW EXH.4 IN REGULAR CRIMINAL CASE NO. 4675/2021

Through this application accused No.1 namely Kunal Dilip Sathe is praying permission of court to renew his passport. The offence leveled against accused is punishable under section 188 of I.P.C. and section 37(1)(3) where it is alleged that, the accused persons have committed disobedience of prohibition order duly promulgated by public servant which was exit from 16/06/2020 to 29/06/2020 within the area of police commission of Pimpri-Chinchwad. The case is pending since 2020 yet charge is to be framed.

02. So far as concerned to the instant application I have issued called say of Ld. A.P.P. The Ld. A.P.P. also strongly desisted the application contending that, if accused is permitted to leave the country he may not return and case may likely to suffer. She further submitted that the charge yet to be framed and absence of accused may cause unnecessary delay. She prayed to reject the application.

03. Ld. advocate for accused submitted that the accused is well educated person and reputed businessmen and is having sound financial background. The accused person is a permanent resident and having profession in Pune. Therefore, the accused cannot fled away and accused has to return to the India. He further submitted that, the accused is willing to travel abroad with family and friends. For that purpose he requires to new his present passport as it is expired on 12/06/2018. The accused is placed his reliance in case of Hon'ble High Court Bombay Abbas Hatimbhai Kagalwala Vs State of Maharashtra, writ No.384/2019 dated 23/08/2022.

04. Having heard the rival submissions I am to state that, the

liberty of accused to travel aboard which is guaranteed by article 19 of our Constitution can not be curtailed. However, the reasonable conditions can be imposed. Further, it is the engraved principle of criminal jurisprudence that, unless and until the accused proved to be guilty he has presumption of innocence. In such circumstances the denial of permission for passport would be a jolt to his right of freedom which is guaranteed by article 19 as well as article 21 of the Constitution. Indeed I reckon to pass following order.

ORDER

1. Application is allowed.
2. The accused is permitted to leave territory of the court for one month.
3. The accused shall furnish his complete address on affidavit before leaving the territory.
4. The accused shall submit the copy of his visa.
5. The Ld. advocate for the accused shall proceed with the case in absence of accused and he shall give under taking to that effect.
6. The accused shall furnish the address and the contact number where he likely to be stayed during his visit.

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Date : 09/02/2026
Pimpri.

(K.K. Waghmare)
6th Judicial Magistrate F.C.
Pimpri.