

MHPU120004822024



R.C.C. No.85/2024

State of Maharashtra V/s. Nitin
Sitaram Shinde and ors.

ORDER PASSED BELOW EXH.23
(Dt. 30/08/2025)

This is an application filed by accused No.3 Akshay Prakash Mande with request to grant permission to issuance of the passport and to travel abroad.

2. The accused contended that the accused residing within jurisdiction of this court along with his family members. The accused want to travel abroad for business purpose. Accordingly, he made application for passport. However, due to pendency of present case permission of this court is necessary. Hence, he filed present application. The accused undertake to comply each and every conditions impose by this court. Furthermore, he will not abscond and ready to appear before this court as and when directed. Therefore, he prayed to allow the application.

3. The L.d. APP filed his say and resisted the application. He contended that accused No.3 failed to mention schedule of his journey. Therefore, he will not available for trial. Hence, he prayed to reject the application.

4. Heard Ld. Advocate for the accused and Ld. APP. They reiterated their contention of the application and say, respectively. Having heard the rival submissions, I am to state that the liberty of the accused to travel abroad which is

guaranteed by Article 19 of our Constitution. Therefore, it cannot be curtailed. However, the apprehension of the prosecution can be protected by imposing reasonable conditions. 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 passport would be a jolt to his right of freedom which is guaranteed by Article 19 as well as Article 21 of the Constitution. However, in present application the accused also sought permission to travel abroad, but he failed to provide schedule of his journey. In this situation it would not be appropriate to grant permission to travel abroad. Accordingly, I pass following order.

- O R D E R -

1. Application is partly allowed.
2. The applicant/accused is permitted to obtain passport as per provision of Passport Act.
3. Applicant/Accused shall not leave territory without prior permission of this court.

Bhor.
Date: 30/08/2025.

(S.D.Shirsat)
2nd Judicial Magistrate F.C,
Bhor.