

ORDER

1. The applicant/accused is seeking cancellation of condition imposed in order dated 19.03.2018, whereby he is directed to obtain permission of this court before leaving India.
2. It transpires from the contents of the application that the accused had obtained interim anticipatory bail from Hon'ble Sessions Court and one of the conditions imposed in the said order was that the accused should not leave India without the permission of the Court. Lateron, the said order was confirmed. The charge-sheet has been filed in the year 2014. Thereafter, the accused obtained regular bail. Now the accused submits that he has to obtain permission from Hon'ble Sessions Court as well as this Court before he plans to travel abroad. Hence, he is seeking revocation of condition imposed in the order on his application for permission to obtain new passport, dated 19.03.2018 stating that he has to approach two forums i.e. Hon'ble Sessions Court and this Court for seeking permission to travel abroad.
3. The charge-sheet has already been filed in the year 2014. It also appears that the accused had obtained regular bail from this Court and there is no condition imposed in the said bail order restricting his right to travel. However, in the order dated 19.03.2018, condition has been imposed on him to obtain permission before travelling abroad. The case is of the year 2014. It is necessary that the trial should proceed further. With a view to secure the presence of the accused at the time of trial said

... 02 ...

condition was imposed. Imposition of said condition is necessary in the interest of justice so that the accused is not able to flee from the course of justice and he should be available to meet the fate of the case. The absence of any such condition will give the accused a free hand and it will be difficult to bring him to justice in case he flees away. Therefore, it is apparent that as the trial is to proceed before this court, the condition imposed by this court should be followed by the accused scrupulously. Considering all these aspects, the applications are rejected.

Date:-19-09-2018


Metropolitan Magistrate,
71st Court, Bandra, Mumbai.