

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CRIMINAL APPLICATION NO.164 OF 2015
IN
CRIMINAL APPLICATION NO.383 OF 2010**

Mrs.Mercy John Keralavakkayil ... **Applicant**
V/s.

The Government of India & Ors. ... **Respondents**

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Ms.Ameeta Kuttikrishnan, Advocate for the Applicant.
Mr.H.S.Venegaonkar, Advocate for the Respondent No.3/CBI.
Mr.S.R.Shinde, Advocate for the Respondent No.1/UIO and No.2.
Mrs.M.R.Tidke, APP for the Respondent No.4/State.

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CORAM : ABHAY M. THIPSAY J.

DATED : 19TH MARCH 2015

P.C.

1. Heard Ms.Kuttikrishnan, the learned counsel for the applicant. Heard Mr.Shinde, the learned counsel for the respondent Nos.1 and 2, Heard Mr.Venegaonkar, the learned counsel for the respondent No.3/CBI. Heard Mrs.Tidke, the learned Additional Public Prosecutor for the respondent/State.

2. The appeal filed by the applicant challenging her conviction and the sentence imposed upon her, has already been

admitted. It is, however, not likely to be taken up for final hearing within a short time. The sentence imposed upon the applicant is of rigorous imprisonment for a period of six months and of fine of Rs.3,000/-.

3. After hearing the learned counsel for the applicant and the learned counsel for the respondents, I am of the opinion that the applicant should be permitted to depart from India subject to certain conditions, and consequently, there should be no objection for issuing a passport to the applicant.

4. The applicant shall be permitted to depart from India and be away from India during the period from 01/05/2015 to 31/10/2015, subject to the following conditions :

- (i) The applicant shall furnish additional security for her appearance before this Court, by furnishing a surety in the sum of Rs.1,00,000/- or depositing cash of Rs. 1,00,000/- in lieu of surety;
- (ii) The applicant shall not visit any country except United States of America;
- (iii) The applicant shall reside at the address of her son as mentioned by her in paragraph 7 of the application;
- (iv) The applicant shall remain available for telephonic communication on the telephone number of her son, as given in clause (i) of paragraph 14 of the application.

- (v) The applicant shall give at least 48 hours previous notice in writing, to the CBI before her actual departure from India, giving details such as Flight Number, Ticket Number, etc.
- (vi) The applicant shall return to India on or before 31/10/2015 and report to this Court, within a week thereafter;
- (vii) The applicant shall return to India even before that, if so required by this Court;
- (viii) The applicant shall execute a bond, with surety as aforesaid, or cash deposit in lieu of surety, binding her to comply with the above conditions.

5. In view of this, there should be no objection to issue a passport to the application. The Passport, however, shall be issued and be valid only for a period of one year commencing from 1st May 2015.

6. All concerned to act on an authenticated copy of this order.

7. The application is allowed in the aforesaid terms.

(ABHAY M. THIPSAY J.)