

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.329 OF 2015**

Anju @ Anjali Vinod Kumar Agarwal	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ashok M. Saraogi for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

PSI Mr. D. Sawant from Khar Police Station is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 1st OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks modification/relaxation of condition Nos. 5 and 6 imposed by the Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai, in para 8 of the order dated 28th February, 2014, while enlarging the applicant on bail. The said conditions read thus :

“5. The applicant/accused should deposit her Passport with the Police within a week.

6. The applicant/accused should not leave Mumbai without the permission of the Court.”

3. Learned Counsel for the applicant states that the applicant intends to travel to Dubai for her business purpose from 18th October, 2015 to 30th October, 2015 and even thereafter. He submits that the applicant was earlier doing business in Dubai and that she is required to travel to Dubai for a few days, failing which, she will lose her resident status as per the Rules of the Government of U.A.E.

4. Learned A.P.P opposes the bail application. She submits that the matter is posted for framing of charge in the Trial Court on 14th October, 2015. She submits that the trial is likely to commence.

5. Learned Counsel for the applicant on the instructions of the applicant who is present in Court, states that she undertakes to remain present before the Trial Court on 14th October, 2015 for framing of charge. The said statement of the applicant is accepted. Learned Counsel for the

applicant has also tendered the e-ticket of the applicant giving the details of her itinerary/travel from 18th October, 2015 to 30th October, 2015.

6. For the reasons set out in the application, the application is allowed only to the extent that the applicant is permitted to travel to Dubai from 18th October, 2015 till 30th October, 2015. The concerned Investigating Officer will hand over the passport to the applicant on the 6th October, 2015 on the applicant furnishing her itinerary and details with regard to the place where she intends to reside and her contact numbers during the said period i.e. 18th October, 2015 to 30th October, 2015. The applicant shall return the passport on her return on 2nd November, 2015 to the concerned Investigating Officer. The applicant shall also file an undertaking in the Trial Court within one week from today that she will attend the Trial Court on 14th October, 2015, when the matter is posted for framing of charge and that she will on her return on 30th October, 2015 from Dubai, deposit the passport with the Investigating Officer on or before 2nd November, 2015.

7. In view of the aforesaid, the conditions imposed vide order dated 28th February, 2014 i.e. condition Nod. 5 and 6 are relaxed for a temporary period, as stated above.

8. Rest of the conditions in the order dated 28th February, 2014 to remain as it is.

9. It is made clear, that if the applicant intends to travel abroad or intends to file application seeking relaxation/modification of the said order in future, the applicant will be at liberty to file an application before the Trial Court, and the Trial Court will decide the same on its own merits in accordance with law.

10. Application is allowed in the aforesaid terms.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed Order.
