

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 528 OF 2016
IN
CRIMINAL APPEAL NO. 525 OF 2012

Pramodini Vikram Ganjawala	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Niranjan Mogre, Advocate for the applicant.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 5th May, 2016.

P.C.

The applicant herein is an appellant in Criminal Appeal No.525 of 2012 wherein the applicant is convicted for the offence punishable under Section 306 read with Section 34 of IPC and is sentenced to R.I. for five years and fine of Rs.5,000/-.

2. The learned counsel for the applicant submits that the daughter of the applicant who is residing at 3931, Mahogany Cove, San Antonio, TX 78261, is pregnant and is due for delivery on 7.7.2016, but has been advised to go through a planned cesarean between the period 24th June to 29th June 2016. Hence, the applicant desires to be by the side of her daughter at the

time of delivery.

3. By an order dated 17.2.2015 also the applicant was granted to travel to USA for the period June 2015 to August 2015 on imposing certain conditions. The applicant has abided by all the conditions. In view of this, the applicant deserves the relief claimed for as also deserves to be permitted to travel to USA from 1st week of June to 1st week of October, 2016. The application deserves to be allowed on the same conditions as were laid down in the order dated 17.2.2016.

4. The learned counsel for the applicant, upon instructions, submits that the applicant has deposited an amount of Rs.1 lakh towards surety and he has not withdrawn the same after returning and hence, the same be treated as surety in the present case.

5. Considering this, I am inclined to allow the application subject to the following conditions :-

The applicant is permitted to depart from India and be away from India during the period first week of June 2016 to first week of October, 2016 on the following terms and conditions :-

(i) The applicant shall furnish additional security in the sum of Rs.1,00,000/- by furnishing a surety in that amount or cash of Rs.1,00,000/- in lieu of surety, for her appearance before this Court during the pendency

of the appeal.

(ii) The applicant shall not visit any country except the United States of America.

(iii) The applicant shall give at least 72 hours previous notice in writing to the Senior Inspector of Police, Tardeo Police Station and to the office of the Public Prosecutor, before her actual departure from India giving details such as Flight No., Ticket No., place of destination, etc.

(iv) The applicant shall furnish to the Senior Inspector of Police, Tardeo Police Station and to the office of the Public Prosecutor the address, where the applicant would be staying while in United States of America and her contact number abroad.

(v) The applicant shall return to India on or before 9th October, 2016 and shall report of her having returned to this Court, under intimation to the Senior Inspector of Police, Tardeo Police Statikon.

(vi) The applicant shall deposit her passport with the Tardeo Police Station within a period of 10 days from her return to India.

Application is allowed in the above terms and stands disposed of.

(SMT.SADHANA S.JADHAV, J.)