

nsc.

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL APPLICATION NO.525 OF 2017

Poonam Jaidev Shroff	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Pranav Badheka a/w Mr.Samsher Garud, Mr.Ameet Naik, Mr.Ravi Suryawanshi and Ms.Madhu Gadodia, i/b Naik Naik and Company, for the Applicant.

Mr.S.S.Pednekar, A.P.P for the Respondent-State.

Mr.A.P.Mundargi, Senior Counsel, i/b MZM Legal, for the Original Complainant.

CORAM : REVATI MOHITE DERE, J.

DATE : 19th SEPTEMBER, 2017

P.C. :

1. Heard learned counsel for the parties.
2. At the outset, learned counsel for the applicant does not press for prayer clause (a).

3. By this application, the Applicant seeks modification/relaxation of the condition no.6 imposed by the learned Additional Sessions Judge, Sessions Court, Greater Mumbai, vide order dated 27th April, 2016.

4. The condition of which modification/relaxation is sought, reads thus:-

“23.

6. The applicant/accused shall not leave India without prior permission of the Court.”

5. Learned Counsel for the applicant submits that the applicant has received her passport, pursuant to the order dated 14th September, 2017, passed by the Apex Court. He submitted that the applicant's daughter is presently studying ancient civilization in history and is desirous of visiting Jordan. He submitted that the applicant intends to leave India tonight i.e. 19th September, 2017 and would be returning on 23rd September, 2017. He submitted that the applicant is ready to give an undertaking in this Court that on her return on 23rd September, 2017, the applicant will surrender her

passport with the Investigating Officer on 25th September, 2017. Statement accepted. The said undertaking to be filed in this Court, in the course of the day.

6. Learned Senior Counsel for the Original Complainant opposes the application. He submitted that the applicant has not complied with some of the conditions imposed by the trial Court vide order dated 27th April, 2016, i.e. she has not given her voice sample to the concerned Investigating Officer.

7. Learned Counsel for the applicant submitted that the said condition has been challenged by the applicant and that an application has been filed before the appropriate Court and that the same is pending.

8. Perused the papers. The applicant desires to travel to Jordan with her daughter, aged 10 years. The applicant has given the itinerary, which is on page 12 of the application. The applicant intends to travel tonight i.e. 19th September, 2017 and intends to return on 23rd September, 2017. The applicant has also undertaken to file an undertaking in this Court

before 5.00 p.m.

9. Accordingly, the application is allowed, on the following terms and conditions :-

ORDER

i) The Applicant is permitted to travel to Jordan from 19th September to 23rd September, 2017.

ii) The Applicant shall furnish her itinerary and details of the places/addresses, where she will be residing during the aforesaid period, alongwith the telephone numbers, to the concerned Investigating Officer, before leaving India;

iii) The Applicant shall surrender her passport to the concerned Investigating Officer on 25th September, 2017.

10. The Application is allowed and disposed of in above terms.
11. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)