

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.278 OF 2018

IN

CRIMINAL APPEAL NO.340 OF 2011

SMT.NISHA SRIVASTAVA

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ANR.

)...RESPONDENTS

Mr.Rahul Arote, Advocate for the Applicant.

Mr.H.S.Venegaonkar, Advocate for the Respondent No.2/CBI.

Mr.Prashant Jadhav, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 7th MARCH 2018

P.C. :

1 This is an application for permission to travel abroad from 24th March 2018 to 25th June 2018 filed by the appellant/original accused no.2. The applicant/original accused no.2 is the wife of the public servant and she is convicted of

offences punishable under Sections 13(2) read with 13(1)(e) of the Prevention of Corruption Act and is sentenced to suffer rigorous imprisonment for 1 year, apart from imposition of fine and default sentence.

2 Heard both sides. Perused the application.

3 The applicant/original accused no.2 desires to meet her daughter and son-in-law as well as grandsons, who are residing at Singapore and from there she wants to visit Australia to see her niece.

4 Similar such application bearing no.580 of 2014 was allowed by this court on 7th May 2014. The learned Advocate for the applicant/original accused no.2 submitted that in pursuant to the said order dated 7th May 2014, the applicant/original accused no.2 duly returned back to India, and therefore, now also she needs to be permitted to visit her relatives residing in the foreign countries.

5 Considering the fact that the appeal filed by the applicant/original accused no.2 may not be heard in a short period, as well as for the stated reason, the application deserves to be allowed, and therefore the order :

ORDER

- i) The application is allowed.
- ii) The applicant/original accused no.2 is permitted to travel abroad from 24th March 2018 to 25th June 2018.
- iii) The applicant/original accused no.2 to deposit cash security of Rs.50,000/- before the learned trial court within a period of one week from today, for the purpose of traveling abroad.
- iv) She shall be entitled to get back that amount on depositing the passport with the CBI after her return.
- v) The applicant/original accused no.2 to furnish her residential address and contact numbers at the foreign countries she desires to visit to the prosecuting agency i.e. the CBI and also to furnish her tour itinerary to the prosecuting agency.
- vi) With this, the application stands disposed of.

(A. M. BADAR, J.)