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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1332 OF 2018

Sonia Sharma

..Petitioner.

V/s.

C.B.I. E.O.W. Mumbai & Anr.

..Respondents.

Mr.Miheer Gheewala with Mr.Hemant Dave i/b. U.H.Dave for the petitioner.

Ms.Ameeta Kuttikrishnan for respondent No.1.

Mr. Y.Y.Dabke, APP for the respondent-State.

CORAM: NITIN W.SAMBRE, J.

DATE : MAY 3, 2018

PC.:-

The Petitioner in CBI Special Case No.53/2006 in which the petitioner is added as accused No.7, sought permission to travel abroad as the petitioner is a permanent resident of Singapore where her family viz. husband and children are residing. The petitioner claims to be U.K. Passport holder.

2. The said application was resisted by the Special PP as such the learned Special Judge (CBI), Mumbai rejected the prayer

for permission to travel vide order dated February 27, 2018.

3. The petitioner, so as to demonstrate her *bona fides* has filed an affidavit in the form undertaking disclosing the following information :-

“(i) *I say that in the event I am permitted to travel to Singapore where my family resides, I plan to leave Mumbai at the earliest after completing all the necessary formalities. I undertake that I will not travel before Tuesday, the May 8, 2018 and will return to India on June 10, 2018. My address at Singapore is captioned above in the cause title. My contact details are as follows :-*

- a) Sonia Sharma - Mobile No. +65 97266780*
- b) Vinay Gaur (Husband) - Mobile No. +65 91162573*
- c) Ramesh Sharma (father) - Mobile No. +91 9818132696*

(ii) *I undertake to attend the Trial Court, being the Special Court for CBI at Greater Mumbai (Cr. No.47) in CBI Special Case No.53 of 2006 on June 11, 2018, which is the next date in the Trial Court matter.*

(iii) *I undertake to comply with the conditions imposed by this Hon'ble Court including but not limited to giving an additional cash surety of an amount quantified by this Hon'ble Court. On being granted bail by the Trial Court, I have paid an amount of*

Rs.2,00,000/- (Rupees Two Lakhs only) in cash and have also provided a surety for the same amount. I undertake not only to not withdraw the Rs.2,00,000/- (Rupees Two Lakhs only) cash deposit but also to deposit an additional cash amount as surety as quantified by this Hon'ble Court.

- (iv) I undertake to remain present before the CBI office in Mumbai as and when called by them even if it is prior to the date of June 11, 2018.*
- (v) If the Court so directs me, I am ready and willing to attend the office of the Indian High Commission at Singapore, located at 31, Grange Road, Singapore 239702 on a day or days and time as directed.*
- (vi) I undertake to remain present before the Trial Court as and when directed by the Trial Court.*
- (vii) I undertake not to violate any of the conditions that would be imposed on me by this Hon'ble Court."*

4. The petitioner submits that after release on bail since last six months, she has not met her children. She assures that she shall strictly conduct in terms of the aforesaid undertaking tendered before this Court, provided she is permitted to travel from May 8, 2018 to June 10, 2018. She has also assured that she

shall attend the CBI Court on June 11, 2018 which is the scheduled date of the trial. It is further claimed that she shall thereafter continue to appear and shall not commit any default which may result in protracting the trial for her absence. She has further assured that she shall not remain absent or avoid the proceedings. The affidavit tendered in the form of the undertaking is accepted.

5. While resisting the claim, the learned counsel for the respondent-CBI would urge that the petitioner's presence was procured after a red-corner notice / look out notice was issued against her. According to the learned counsel for the CBI, the fact remains that the earlier conduct of the petitioner would weigh before this Court while dealing with the permission sought. She submits that the total amount of fraud alleged in the crime against the present petitioner and other co-accused is to the tune of Rs.66.90 crores.

6. Considered rival submissions.

7. It is not in dispute that the country where the present petitioner is resident i.e. Singapore or the country of which she is

permanent resident, namely U.K. has an extradition treaty with the receiving country i.e. India.

8. The fact remains that the petitioner's father is a permanent resident of India and is residing at Delhi since his retirement from government employment.

9. Considering the aforesaid factual matrix and in view of the undertaking and observations made hereinabove, in my opinion, in the interest of justice, the following order shall serve the purpose:-

- (a) The affidavit in the form undertaking submitted by the petitioner Sonia Sharma is accepted as an undertaking;
- (b) The copy of the undertaking be also furnished to the Special CBI Court, Mumbai;
- (c) The petitioner is permitted to leave India on May 8, 2018 only upon the assurances as recorded in the undertaking that she would return back on June 10, 2018 and thereafter continue to attend the trial;
- (c) During the said period, the petitioner shall report to the Indian High Commission at Singapore on May 15, 2018 and

thereafter on May 29, 2018 and shall produce appropriate certificate to that effect before the learned Court below on the next date of hearing in compliance with this order;

10. With the above observations, the petition stands disposed of.

(NITIN W.SAMBRE, J.)