

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

CRIMINAL WRIT PETITION NO.2685 OF 2018

Sarita Sequeira	.. Petitioner
Vs.	
The State of Maharashtra	.. Respondent

**WITH
CRIMINAL WRIT PETITION NO.2686 OF 2018**

C.R. Rajesh Nair	.. Petitioner
Vs.	
The State of Maharashtra	.. Respondent

.....

Mr.Madhukar P. Dalvi, Advocate for the Petitioner in both WP.
Mr.A.R. Patil, APP for the Respondent – State in WP 2685 of 2018.
Mr.P.H. Gaikwad, APP for the Respondent – State in WP 2686 of 2018.
Mr.Sachin S.Mane, DCB, CID Unit, Mumbai, present.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 29, 2018.

P.C. :

The petitioner in both these petitions who are husband and wife are being prosecuted vide C.C.No.460/PW/2016, pending in the Court of Metropolitan Magistrate 37th Court, Esplanade, Mumbai. The petitioner had preferred an application for travelling abroad i.e. USA for a period from 1st July, 2018, till 30th September, 2018, for the purpose of treatment to their daughter Anannya. The application

has been rejected on 15th June, 2018. While rejecting, the Court had observed that the application is not supported by any medical documents which shows that her daughter required such a medical treatment at USA and that the huge amount is involved in the case in which applicants are being prosecuted.

2 Learned counsel for the petitioner submitted that on several occasion, the Sessions Court had granted permissions to the petitioner (in Criminal Writ Petition No.2686 of 2018) to travel to abroad. It is submitted that charge-sheet has been filed and the case is pending before the aforesaid Court. In view of filing of charge-sheet, application was preferred before the trial Court, which has been rejected. He pointed out the order dated 21st May, 2013, passed by the Sessions Court in Misc. Application No.139 of 2013 and connected matters, wherein both these petitioners were permitted to travel abroad and more particularly to USA for treatment of her daughter, namely, Anannya between 24th May, 2013 and 20th June, 2013. Whereas, the petitioner in Criminal Writ Petition No.2686 of 2018 was permitted to travel between the period 8th January, 2012 to 20th January, 2012, for official work. He was again permitted to travel to Singapore, Malaysia, China, Dubai and London between 11th March, 2012 to

6th December, 2012, for his official work. By order dated 11th May, 2012, the Sessions Court has also permitted him to visit Singapore, Malaysia, China, Dubai, London and United States of America (USA), for business purpose. It is submitted that the said petitioner had travelled abroad and has returned to India within stipulated time and attended the proceedings before the Sessions Court. While granting such permission, the Sessions Court had directed the petitioner in Writ Petition No.2686 of 2018, to execute additional bond of Rs.1,00,000/- before leaving India. It is submitted that while permitting him to travel abroad on subsequent occasion also he was directed to execute cash bond of Rs.1,00,000/-. It is submitted that an amount of Rs.3,00,000/-, which is deposited by the petitioner for travelling abroad is still lying in the Court.

3 Learned counsel for the petitioner pointed out the documents in relation to the treatment which is being given to the petitioners' daughter in India. He also pointed out the details about the medical centre where the petitioners' daughter is going for the treatment and the details about the Doctor who is going to treat her. He also pointed out the appointment letter issued by the said medical centre. The compilation of these documents is

taken on record. Learned APP also tendered the report submitted by the police. The concerned police officer is also present in the Court. The report is taken on record. The report indicates that the officer had contacted the receptionist in the said hospital to confirm whether appointment has been given for the treatment of petitioners' daughter and the receptionist has confirmed about the said an appointment given to the petitioner for her daughter. Taking into consideration the aforesaid circumstances, more particularly, considering the fact that repeatedly the petitioners were allowed to travel abroad, the Writ Petitions can be allowed.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Writ Petition Nos.2685 and 2686 of 2018, are allowed;
- (ii) The petitioners are permitted to travel to USA between the period from 1st July, 2018 to 30th September, 2018, for the treatment of their daughter Anannya;
- (iii) Petitioners shall submit detailed programme

of their visit to the Investigating Officer in advance. Petitioners shall submit xerox copies of their Passports and Visa, detailed address of the place where they will be staying at USA and contact numbers to the Investigating officer before leaving India;

(iv) The petitioners shall deposit cash bond of Rs.3,00,000/-, as security. The amount of Rs.3,00,000/-, which is already deposited and lying in the Court be adjusted with this security;

(v) Writ petitions stand disposed of;

(vi) After the petitioners return to India, they shall inform the said fact to the Investigating Officer;

(vii) Parties to act upon an authenticated copy of this order.

(PRAKASH D. NAIK, J.)