

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

CRIMINAL WRIT PETITION NO. 2942 OF 2018

Meeta Jain ... Petitioner

Versus

The State of Maharashtra ... Respondent

Mr. Sunny Punamiya I/by SSP Legal & Co. for Petitioner.

Mr. A. R. Patil, APP for Respondent – State.

Mr. Sachin Ghate, PSI, Marine Drive Police Station present in Court.

CORAM : PRAKASH D. NAIK, J.

DATE : JULY 9, 2018.

P.C. :

. The Writ Petition is moved in peculiar circumstances, wherein the Petitioner was not allowed to travel abroad by the Immigration Department at International Airport, Mumbai.

2. The Petitioner was granted anticipatory bail in relation to First Information Report registered with Marine Drive Police Station for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code vide order dated 17th January 2017 passed by the

Sessions Court, Bombay in Anticipatory Bail Application No. 2173 of 2016. One of the condition imposed by the Sessions Court while allowing the said Application was that the Applicant shall not leave city of Mumbai without intimation to the Investigating Officer.

3. The Applicant intended to travel to USA to meet her daughter, hence, she had booked her ticket and was supposed to travel on 5th July 2018. It is submitted that the Immigration Department at the Airport restrained her from traveling abroad. She was made to wait at the Airport for about six hours and she had to return back without traveling abroad. It is in these circumstance, the Petitioner has approached this Court to relax the condition imposed by trial court with regards to intimation to be given to Investigating Officer.

4. It appears that after registration of the First Information Report, the Investigating authority had intimated the Immigration Department about the registration of the First Information Report against the Petitioner. The Officer who is present in the court has instructed the learned APP that earlier the name of the Applicant was included in LOC on account of registration of First Information Report, however, pursuant

to grant of anticipatory bail the intimation was not provided to the Immigration Department about the grant of anticipatory bail by the Sessions Court and in view of that the Immigration Department had restrained the Petitioner from traveling abroad.

5. It is further submitted on instructions that the investigating authority had informed the Immigration Department about the current situation and the name of the Petitioner has been deleted from the LOC. Statement is accepted as an undertaking to this Court.

6. It is noted that there was no embargo on the Petitioner to travel abroad. The condition which was required to be complied is that the Applicant shall intimate the Investigating Officer before she travels abroad. It is submitted that on 5th July 2018 the Applicant had intimated the concerned police station viz – Marine Drive Police Station about her plans to travel abroad. Even thereafter on 7th July 2018 the Petitioner has again given intimation to the Police Station that she intends to travel to USA from 10th July 2018 to 4th September 2018.

7. Taking into consideration the aforesaid circumstances and on

the basis of the statement made by the Investigating Officer, who is present in the Court there is no embargo on the Applicant to travel abroad. At present there is no need to set aside the condition of intimation to the Investigating Officer.

8. In view of the above, since the Petitioner had already given intimation to the Investigating Officer, the Petitioner can be permitted to travel to USA from 10th July 2018 to 4th September 2018.

9. Writ Petition stands disposed of accordingly.

(PRAKASH D. NAIK, J.)