

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.433 OF 2021
IN
CRIMINAL APPEAL NO.383 OF 2010

Mercy John Keralavakkayil .. Applicant

Vs.

C.B.I., ACB., Mumbai, BS & FC,
EoW & Anr. .. Respondents

ALONG WITH
CRIMINAL APPEAL NO.363 OF 2010

Baburai Pundalik Salunke .. Appellant

Vs.

Central Bureau of Investigation & Anr. .. Respondents

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Mr. Kartik S. Garg for the Applicant.

Mr. H.S. Venegaonkar for respondent No.1.

Ms. S.S. Kaushik, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 19TH MARCH, 2021.

P.C:-

1. Interim Application No.433 of 2021 is taken out seeking permission to travel to the United States of America from 01/06/2021 to 30/11/2021, the reasons cited being that the daughter of the Applicant, who is settled in U.S.A. is in her family way and expecting the child in the month of June, 2021. She, therefore, requires the presence of the Applicant during this crucial period and also to take care of the new born, for a while. It is in this background, the present Application is filed.

2. The respondent-CBI has filed its response.

3. The Applicant is a convict for an offence under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988. The Applicant came to be released on bail by this court on 17/06/2010. Pending the appeal, the passport of the Applicant was renewed and on earlier occasions, under the orders of the court she was permitted to travel abroad, the last such order was passed on 24/07/2019. Since it is noted that on all previous occasions, whenever the Applicant was permitted to travel abroad, she has strictly adhered to the conditions imposed upon her and has returned to the country in terms of the order granting her permission to travel abroad.

4. In such circumstances, now when she is seeking to travel abroad for the period mentioned by her in the Application, I see no reason to deny her the same. Learned counsel for the Applicant, however, states that since the tickets are not booked and the Applicant is harping upon the orders of the Court, the exact itinerary is not supplied, but as soon as the tickets are booked, the exact itinerary will be supplied to the office of the CBI with an undertaking that the Applicant will travel only to U.S.A. during the period for which the permission has been granted. The Applicant is, therefore, granted permission to travel abroad between 01/06/2021 and 30/11/2021, subject to the following stipulations.

: ORDER :

- (a) The Applicant shall not withdraw the cash security of Rs.1 lakh given by her to this Court as an additional security under the order dated 19/03/2015; the amount remains untouched until the Applicant returns from USA.
- (b) The Applicant shall not visit any country other than USA.

- (c) Wherever the Applicant intends to stay in USA, she will provide those addresses to the CBI, before she leaves India.
 - (d) She shall also furnish her contact number to the CBI.
5. The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J.