

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1279 OF 2021
IN
WRIT PETITION NO. 4872 OF 2019

Sucheta Omprakash Goenka ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.Aniket Nikam i/b Piyush R. Toshnival for applicant.
Mr.J.P. Yagnik, APP for respondent-State.

CORAM : S. S. SHINDE &
N. J. JAMADAR, JJ.

DATE : 3rd JULY, 2021

(THROUGH VIDEO CONFERENCE)

P.C.:

1. This application is preferred by the applicant-petitioner in Writ Petition No. 4872 of 2019 seeking permission to travel to Dubai for a period of eight weeks.
2. The applicant has been arraigned, along with the co-accused, in C.R. No. 14/2018, registered with E.O.W., Mumbai. The applicant has preferred Writ Petition No.4872 of 2019 for quashing and setting aside the Look Out Notice issued by respondent No.1 in respect of C.R. No.14 of 2018 and also to quash and set aside the remand order

dated 23rd September 2019, passed by the learned Special Judge, Greater Mumbai in Remand Application No. 1061 of 2019, with a further direction to release the petitioner on bail in the said crime.

3. By an order dated 26th September 2019, a Division Bench of this Court was persuaded to release the applicant on bail on furnishing PR and SB in the sum of Rs.50,000/- with one or more solvent sureties in the like amount. One of the conditions, on which the petitioner was released on bail, was that the petitioner shall not leave India without prior permission of this Court.

4. In the application, the applicant has averred that the applicant is of a marriageable age. There is a proposal for marriage. The applicant is required to travel to UAE for a period of eight weeks to pursue the said marriage proposal. The applicant has further asserted that since six years prior to the aforesaid order, the applicant has been shuttling between India and Dubai.

5. An affidavit in reply is filed on behalf of the respondent. The prayer of the applicant is opposed raising an apprehension that the applicant would escape out of India and she would not be available for trial.

6. We have heard Mr.Nikam, the learned counsel for the applicant, and Mr.Yagnik, the learned APP for the State.

7. Mr. Nikam has invited the attention of the Court to the order dated

26th September 2019, whereby the applicant was released on bail to lend support to the submission that the applicant has been residing at Dubai since six years prior thereto and had travelled to India on five occasions. Indeed, the fact that the applicant was so based at Dubai and travelled to India on multiple occasions is recorded in the said order. The reason ascribed in the application for permission to travel abroad is, in a sense, pressing. In the context of the said reason, Mr. Yagnik, the learned APP submitted that stringent conditions be imposed while granting permission to the applicant to travel abroad so as to secure her presence at the trial.

8. In the backdrop of the aforesaid submissions and the reason assigned in the application seeking permission to travel abroad, we are inclined to allow the application, subject to certain conditions to ensure that the applicant becomes available to face the trial.

9. Hence, the following order :

ORDER

- (i) The application stands allowed.
- (ii) The applicant is permitted to travel to Dubai for a period of eight weeks, on furnishing a PR bond in the sum of Rs.1,00,000/- and a Cash Security of the same amount and, solvent surety in the like amount, to the satisfaction of the Learned Special Judge.

(iii) The applicant shall also furnish, on an affidavit, the details of her itinerary, particularly the date on which the applicant would return back to India, and the address/es at which the applicant would be residing at Dubai and her contact number/s thereat. The applicant shall also furnish a self attested copy of the passport along with the affidavit, to be filed in the Registry of this Court.

(iv) A copy of such affidavit and self attested copy of the passport be also furnished to the Investigating Officer.

(v) The application stands disposed of accordingly.

(vi) All concerned to act on an authenticated copy of this order.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)