

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.79 OF 2022

Poonam Jaidev Shroff .. Applicant

Versus

State of Maharashtra .. Respondent

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Mr.Pranav Badheka with Mr.Niranjana P. and Ms.Swati Singh
i/b Naik Naik & Company for the Applicant.

Mr.M.G.Patil, APP for the State/Respondent.

API Shri Nilesh Bhujbal attached to Khar Police Station,
present.

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CORAM: BHARATI DANGRE, J.

DATED : 08th MARCH, 2022

P.C:-

1. Heard the learned counsel for the applicant and the
learned APP for the State.

2. By the present application, the applicant who is facing a
charge under Section 328 of the IPC, on a complaint filed by
her husband, seek permission of this Court to travel abroad in
the wake of the order passed by the Sessions Court, releasing
her on bail in anticipation of her arrest, with a condition being
imposed by the learned Additional Sessions Judge to the effect

that she shall not leave India, without prior permission of the Court.

3. At the outset, the learned counsel for the applicant states that he is not pressing for prayer clause (a) of the application and seeks relief as per prayer clause (b), which reads as under:-

“(b) that this Hon’ble Court be pleased to relax/modify the Condition No.6 of the said ABA Order (*Exhibit A hereto*) i.e. *“the Applicant/accused shall not leave India without the prior permission of the court”*, and permit the Applicant to travel abroad in terms of the proposed itinerary as set out in Exhibit-Y and before departing she shall give her final itinerary to Khar Police Station on such term and conditions as this Hon’ble Court may deem fit and proper in the interest of Justice, to the countries with prior intimation with final itinerary to the Investigating Officer.”

4. The application is accompanied with an itinerary at page 211 of the paper-book, which explain her tour commencing from 12/03/2022 to 28/02/2023.

She seeks permission to travel abroad to various countries for reasons like medical treatment, business purpose and at times for availing vacation.

The learned counsel categorically submits that itinerary no way suggest that during the entire period from 12/03/2022 to 28/02/2023, she will be abroad, since intermittently she will be returning to India as she is leaving her daughter in the country, who is pursuing her education. During vacation, she is also desirous of taking her daughter alongwith her.

5. The learned counsel has also invited my attention to the various orders passed by this Court in the past, granting such permission, since the condition, on which she was released on bail in anticipation of her arrest, contemplated permission from the Court.

6. The learned APP does not dispute the aforesaid statement and also make no grievance about her travelling abroad, as the applicant has never misused the said liberty and has returned in time as per the itinerary submitted.

7. In the wake of the above, I deem it appropriate to pass the following order.

: **ORDER** :

1. Criminal Application is allowed.
2. The applicant is permitted to travel abroad in terms of the itinerary, subject to the only modification that she is

permitted to travel abroad from 09/03/2022, since she has to meet the medical appointment on 10/3/2022.

3. The Investigating Officer is directed to return the passport to the applicant within a period of 12 hours from passing of this order.

4. The permission is granted to travel abroad from 09/03/2022 to 28/02/2023.

5. The applicant shall furnish the details of her travel to the Investigating Officer as and when she travelled abroad, during the aforesaid period.

6. Upon her return, the applicant shall deposit her passport with the Investigating Officer, within seven days.

(SMT. BHARATI DANGRE, J.)