

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

**INTERIM APPLICATION NO.698 OF 2021
IN
CRIMINAL APPEAL NO.1568 OF 2019**

- 1) Ashok Kumar Choudhary; and
2) Mitali Choudhary .. Applicant/ Appellant

Versus

- 1) CBI ACB Mumbai; and
2) State of Maharashtra .. Respondents

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Mr.V.N. Singanapurkar i/b. Mr.H.N. Associates, Advocate for the Applicants/Appellants.

Mr.H.S. Venegaonkar, Spl. P.P. for Respondent No.1-CBI ACB Mumbai.

Mr.Arfa Sait, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 12, 2022.

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P.C. :

Applicants are seeking permission to travel abroad from 1st May, 2022 to 31st August, 2022, to meet their son who is residing in Cannara, USA and daughter residing at Toronto, Canada.

2 Learned counsel for the applicants submitted that in the past the trial Court had permitted them to travel abroad. They have complied the order and returned to India. The son and daughter of the applicants are residing abroad.

3 Learned counsel for the respondents submitted that the applicants are convicted for the offences under the Prevention of Corruption Act and under Section 109 of IPC. Appeal is pending in this Court and the applicants should be available for undergoing the sentence, in the event, the Appeal is dismissed.

4 Applicants are aged about 74 and 65 years. The Appeal challenging the judgment of conviction dated 8th November, 2019, has been admitted by this Court and the sentence of imprisonment has been suspended. Trial Court had permitted them to travel abroad during the pendency of trial and they have complied the said order and returned to India.

5 Considering the factual aspects, this application can be allowed.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application No.698 of 2021, is allowed;
- (ii) Applicants are permitted to travel abroad from 1st May, 2022 to 31st August, 2022, to meet their son Dr.Rajeev Choudhary, residing at Cannara, USA and daughter Ms.Priyanka Choudhary, residing at Toronto, Canada;
- (iii) On returning to India, the applicant shall intimate about his return to respondent no.1;
- (iv) Applicant shall furnish the details about their travel to respondent no.1 alongwith their contact numbers, coloured xerox of their Passport to respondent no.1, before travelling abroad;
- (v) Interim Application No.698 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)