

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**INTERIM APPLICATION NO.2186 OF 2022
IN
CRIMINAL WRIT PETITION NO. 4765 OF 2021**

SHIKHA KAPADIA

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ORS.

)...RESPONDENTS

Mr. Zal Andhyarujina, Senior Advocate, Ms.Ishani Khanwilkar, Mr.Sohil Shah and Mr.Anant Tripathi i/by. Pioneer Legal, Advocate for the Applicant.

Mrs.G. P. Mulekar, APP for the Respondent – State.

Mr. S. K. Halwasia, Addl.PP for Respondent Nos.2 to 4.

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.**

DATE : 12th JULY 2022

P.C. :

1 Heard the learned counsel for the parties.

2 By this application, the applicant seeks permission to travel to Jersey, United Kingdom (U.K.) from 16th July 2022 to 24th July 2022.

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3 Mr. Andhyarujina, learned senior counsel for the applicant submits that the applicant is required to travel to U.K. in connection with her work. He submits that the applicant has travelled earlier with the permission of this Court on two occasions and that she has abided by the orders passed by this Court. Learned senior counsel relied on the orders dated 7th April 2022 and 13th June 2022 annexed at Annexure 'A' and 'E' to the application.

4 Mr. Halwasia, learned counsel appearing for the respondent nos.2 to 4 submits that the respondent no.4 – SFIO has no objection provided certain conditions are imposed and subject to the condition that the applicant files an undertaking before this Court before her departure, giving her itinerary.

5 By this application, the applicant seeks permission to travel to Jersey, United Kingdom (U.K.) for the period as stated aforesaid. It appears that the applicant is presently working as a Senior General Manager (Legal & Group Company Secretary) at

WNS Global Services Private Limited. The purpose of the travel is to attend Board meetings of the Company and to carry out other works as part of her roles and responsibilities of the Company. It is not in dispute that the applicant has travelled earlier pursuant to the orders passed by this Court. The said orders are at Annexure 'A' and 'E' to the application. The applicant has abided by the conditions so imposed by this Court. Accordingly, the application is allowed on the following terms and conditions :

ORDER

- i) The applicant is permitted to travel to Jersey, U.K. from 16th July 2022 to 24th July 2022.
- ii) The applicant, before her departure, to file an affidavit cum undertaking with the Registrar (Judicial – I), Appellate Side of this Court, giving full itinerary of her overseas travel with all details including the addresses where she would be staying, as well as her contact numbers on which she can be contacted, during the said period. A copy of the said affidavit cum undertaking shall also be furnished to the

respondent no.4 before the applicant's departure, by email/fax.

- iii) The applicant shall in the affidavit cum undertaking undertake not to apply for extension of this order until she returns to this Country; and that he will return to India, on or before 24th / 25th July 2022.
- iv) The Immigration Authorities on all points of departure, will permit the applicant to pass through immigration and to board her flight or flights, irrespective of whether the immigration system has been updated and whether the respondent no.4 has informed the Immigration Authorities or not.
- v) The operation of the LOC issued against the applicant, is stayed during the said period i.e. between 16th July 2022 to 24th / 25th July 2022.

- vi) The Respondent No.4 – SFIO to forthwith communicate this order to the immigration authorities and in any event within 24 hours of this order being uploaded.
- vii) The application is disposed of on the aforesaid terms.
- viii) All concerned to act on the authenticated copy of this order.

(V. G. BISHT, J.)

(REVATI MOHITE DERE, J.)