

Talwalkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3033 OF 2022

IN

CRIMINAL WRIT PETITION NO. 4765 OF 2021

Shikha Kapadia.

... Applicant.

Versus

The State of Maharashtra & ors.

... Respondents.

Mr. Zal Andhyarujina, Sr. Counsel and Ms. Ishani Khanwilkar a/w. Mr. Sohil Shah and Mr. Anant Tripathi i/b. Pioneer Legal, Advocate *for Applicant.*

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

Ms. M.M. Deshmukh, APP, *for Respondent-State.*

Digitally
signed by
ARUNA S
TALWALKAR
Date:
2022.09.16
15:38:57
+0530

CORAM:

M.S. SONAK &

N.R. BORKAR, JJ.

DATED :

16th September 2022

P.C.:

1. Heard the learned Counsel for the parties.
2. Learned Counsel for the applicant on instructions states that this application will be now pressed for travel between 16th October, 2022 and 22nd October, 2022 i.e. in terms of prayer clause (b).
3. Prayer clause (b) of this application reads as follows :

“(b) Pending the hearing and final disposal of the captioned Writ Petition, this Hon’ble Court be pleased to allow/permit the Applicant to travel to Jersey, Channel Islands, United Kingdom from October 16, 2022 to October 22, 2022, on such terms and/or conditions as this Hon’ble Court may deem fit, necessary and/or proper in the facts and circumstances of the present case.”

4. The record indicates that by orders dated 7th April 2022, 13th June 2022 and 12th July 2022, the applicant has been permitted to travel abroad subject to certain conditions. There is no complaint about the breach of such conditions. However, Mr. Halwasia, learned Add. P.P. for the Respondent Nos. 2 to 4-SFIO submits that investigations are going on into a serious fraud involving an amount of Rs. 5,000 Crores. He submits that look out notice has been issued and a necessary return has been filed defending such issuance. He therefore, submits that the applicant cannot seek to travel abroad, almost on the routine basis. He points out that by now, the technology has advanced and the applicant can always attend Board Meetings virtually.

5. From the record, we find that the applicant has been making repeated applications seeking leave to travel abroad. Permission is sought to travel abroad for almost routine reason, without any special case being made out. In any case, considering the orders earlier made and the

fact that this time, the applicant, restricts the relief in terms of prayer clause (b), we allow this application in terms of prayer clause (b), subject to condition that the applicant will have to share her travel details, her place of stay and other such details as she was required to share in terms of order dated 12th July 2022 with the respondents and also file an affidavit in this court to that effect latest by 1st October, 2022. The affidavit should also contain all such details.

6. Mr. Halwasia, learned Add. P.P. for respondent Nos. 2 to 4 states that the applicant should also be required to disclose the contact numbers where she could be contacted during the period when she travels abroad. This is already a condition of the order dated 12th July, 2022. The applicant will have to file necessary undertaking in terms of order dated 12th July, 2022 about her return and will have to report to the concerned Investigating Officer no sooner she returns.

7. The application is disposed of in the above terms.

8. All concerned to act on the authenticated copy of this order.

N.R.BORKAR, J.

M. S. SONAK, J.