

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4024 OF 2022****IN****CRIMINAL APPLICATION (APL) NO. 1189 OF 2022**

Perth Mathew Braganza

... Applicant

V/s.

The State Of Maharashtra And Anr.

... Respondents

Mr. Shirish Sawant a/w Advocate S. R. Samel, Ms. Tanvi Sawant i/b Rajeev Sawant And Associates for Applicant.

Mr. Ajay Patil, APP for Respondent No.1-State.

Adv. S. K. Halwasia a/w Adv. M. M. Nasiri for Respondent No.2.

Mr. Sadanand Rane, Senior P.I., Unit-8, EOW, Mumbai is present.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 5th DECEMBER, 2022.

P.C. :

1. Present Interim Application has been filed by the Applicant to seek permission to travel to Australia for a period of 77 days i.e. from 10th December, 2022 till 24th February, 2023.

2. It is stated that, Applicant is suffering from partial paralysis; son of Applicant namely Benjamin Perth Braganza is settled at Australia; for undergoing treatment of Applicant's ailment, Applicant is required to go to Australia and will reside there for about 77 days.

Applicant has also given his place of residence at Australia in ground No.(j) (b) of the Petition.

3. Mr. Sawant, learned counsel appearing for Applicant submitted that, Applicant will return to India/Mumbai on 24th February, 2023. He

submitted that, Applicant will give his detailed itinerary to the Investigating Agency atleast 48 hours before leaving India. The said statement is accepted.

4. Mr. Patil, learned APP on instructions from Investigating Officer submitted that, Investigating Agency has no serious objection for Applicant's visit to Australia and to reside with his son at the address mentioned in para No.15 (j) (b) for temporary period for undergoing medical treatment.

5. In view of the above, we hereby permit the Applicant to travel to Australia and to reside at the address mentioned in para No.15 (j) (b) for a period of 77 days as mentioned in the prayer clause (a) of the Application.

6. In view thereof, for the period from 9th December, 2022 till 25th February, 2023 the Look Out Notice/Circular issued by Respondent No.1 in C.R. No. 31 of 2020 is hereby suspended.

7. Applicant is directed to give his detailed itinerary alongwith land line number and mobile phone number of his son, where the Applicant can be contacted, before leaving India. Applicant is further directed to report to the Investigating Agency in writing, the fact of his return to India on or before 28th February, 2023.

8. Application is allowed in the aforesaid terms.

9. All the concerned to act on the basis of an authenticated copy of this Order.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]