

AGK

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

**INTERIM APPLICATION NO.4061 OF 2022
IN
WRIT PETITION NO.4262 OF 2022**

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Manohar Krushna Madhavi ... Applicant
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Manoj Mohite, Senior Advocate with Mr. Rohan Hogle for the applicant.

Mr. A.D. Kamkhedkar, APP for the respondent no.1/State.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 2, 2022

P.C.:

1. The present interim application has been moved by a person against whom order of externment dated 30th September 2022 has been passed by the learned First Authority and Appeal against the said order is pending before the Appellate Authority. During the pendency of the Appeal, the applicant filed an application seeking permission to enter the area on the ground of marriage of nephew, which came to be rejected by order dated 26th November 2022 and, therefore, the petitioner has filed present writ petition challenging the said order.

2. During the pendency of the present writ petition, the applicant has filed present interim application bringing emergent situation on record seeking permission to enter the externed area on the ground that his real brother is suffering from left foot fourth toe gangrene with acute kidney injury with septicemia with inferior wall myocardial infarction. Page 7 is the part of provisional case summary issued by the Indravati Hospital, which shows that the real brother of the applicant is on non-invasive ventilator support. The applicant, on oath, stated that there is no other responsible male member in the family who can take care of the real brother, who is 65 years old.

3. I have considered the impugned order and the offence mentioned in the order. I have considered the nature of allegations.

4. Learned APP, on instructions from Mr. Vivek Pansare, DCP, states that considering the emergent situation pointed out in the application, the first authority has no objection for permitting the applicant to enter the area of Thane District for a period of two (2) days.

5. Considering the nature of emergent situation and the fact that the condition of his real brother is critical as mentioned in the application supported by the provisional case summary issued by the Indravati Hospital stating that the real brother of the applicant is suffering from left foot fourth toe gangrene with acute kidney injury with septicemia with inferior wall myocardial infarction and the fact that he is on non-invasive ventilator support, the applicant

is permitted to enter the Thane District for a period of seven (7) days, subject to the conditions:

- a) that he shall attend the Rabale Police Station every day between 9.00 a.m. to 9.30 a.m.;
- b) he shall not engage himself in any other criminal activities; and
- c) he shall give his cell/mobile phone number to the investigating officer.

6. The interim application is disposed of in above terms. No costs.

(AMIT BORKAR, J.)