

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.498 OF 2023
IN
CRIMINAL WRIT PETITION NO.5691 OF 2021**

Shweta Tiwari	]	Applicant
Vs.		
1. The State of Maharashtra	]	
2. Abhinav Kohli	]	Respondents

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Mr. Sunil Purohit a/w Ms. Kalpana Ashar, Mr. Dhaval Patil and Ms. Sapna Sharma i/b K. Ahsar & Co., for Applicant.

Mr. J.P. Yagnik, A.P.P, for Respondent No.1-State.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 7th February, 2023.

P.C.

1. Not on board. Upon mentioning, taken on board.

2. By this Interim Application, the applicant seeks following substantial relief;

(a) *This Hon'ble Court be pleased to allow the Applicant to take the Master Reyansh with her to Dubai from 8th February, 2023 till 10th February, 2023."*

3. At the outset, learned Counsel for the applicant submits that they had sent an e-mail to the respondent No.2 asking him to remain present today at the time of mentioning of the aforesaid interim application. It is submitted that despite the said email, respondent No.2 was not present in the morning. Learned Counsel for the applicant further submits that despite the applicant again having sent an email to the respondent No.2 informing him of the production having being granted by this Court, the respondent No.2 has failed to respond to the said email. Learned Counsel has tendered a copy of the email addressed to the respondent No.2. The same is taken on record.

4. Learned Counsel further submits that the applicant intends to travel tonight to Dubai with her son and, hence the urgency.

5. Perused the papers. Applicant and respondent No.2 are husband and wife and there are several cases pending, by and between the parties. The couple has a child aged 6 years, who is presently undergoing counselling sessions, as he is in trauma due to the dysfunctional relations between his parents. In these circumstances, we are informed, that the applicant is unable to

travel without her child.

6. It appears that the applicant intends to travel to Dubai with her son, for a shoot from 8th February, 2023 till 10th February, 2023. The organizers of the event have already booked the tickets and have borne all costs of travel, to and fro, of the applicant and her child, including their lodging and boarding. The applicant has also obtained permission from the School of the child permitting the child to accompany her. Relevant document is at 'Exhibit E'.

7. Considering that the applicant intends to travel only for 3 days to Dubai, we allow the application in terms of prayer clause (a), subject to the following terms and conditions;

(a) The applicant before her departure, shall file an Undertaking-cum-Affidavit giving full itinerary of her and her child's overseas travel with all details including the address where she would be staying, as well as the contact numbers on which she can be contacted, during the said period and that she will return to India with her child, latest by 11th February, 2023.

(b) The said Affidavit-cum-Undertaking to be filed today in this Court, during the course of the day.

8. Application is allowed and disposed of in the aforesaid terms.
9. List the aforesaid application for compliance on **13th February, 2023.**
10. All concerned to act on the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]