

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 851 OF 2023
IN
CRIMINAL APPEAL No. 383 of 2010
WITH
CRIMINAL APPEAL NO. 383 OF 2010

Mercy John Keralavakkayil .. Applicant
Versus
The State of Maharashtra & Anr .. Respondents

WITH
CRIMINAL APPEAL No. 363 of 2010

Baburai Pundalik Salunke .. Appellant
Versus
The State of Maharashtra & Anr .. Respondents

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Ms. Nishtha Garg i/b Kushal Ambulkar, for the applicant in IA No. 851 of 2023.
Adv. Arya Supre i/b Adv. Harshad B for the Appellant in Appeal 363 of 2010.
Mr. H.S. Venegavkar a/w Mr. Aayush Kedia for CBI.
Mr. Y.M. Nakhawa, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 11th APRIL 2023

P.C:-

1 IA No. 851 of 2023 is filed by the applicant, whose appeal against the judgment delivered by the Special Judge in Special Case No. 7 of 2003 is pending for adjudication before this Court. She stood convicted for committing an offence

punishable under Section 12 of the Prevention of Corruption Act and sentenced to suffer RI for 6 months.

2 The appellant/applicant has filed the application, setting out the circumstances, in which she seek permission, from this Court to travel to United States of America from 1/05/2023 to 31/10/2023 subject to such terms and conditions as the court deem fit to impose upon her.

The application has cited various instances in the past, and specifically, in the year 2016 and 2017, when she was permitted to travel abroad and on each occasion, she has dutifully abided by all the conditions imposed upon her.

3 The Inspector of Police, CBI has filed an affidavit on 3/04/2023, where there is no denial of the aspect that the applicant was allowed to travel abroad under the orders of this Court.

The contingency expressed in the application is also not specifically denied, as it is stated that she want to travel for her grand-daughter's First Holy Communion, and to take care of the youngest grand-daughter, who is around 18 months as her daughter is now settled in USA.

4 Considering the fact that prior to this application also, the applicant was permitted to travel under the orders of this Court, and since the Appeal filed by her is pending since the year 2010, there can be no restrain imposed upon her travel, particularly when it is not reported that she has misused the liberty conferred upon her, on previous occasions.

5 In the wake of the aforesaid, I deem it appropriate to direct the Registry to list the Appeal for final hearing in the week commencing from 12/06/2023 under the caption 'priority'.

6 For the reasons stated in the application, since her presence is necessary in the United states of America, she is permitted to travel to United States of America from 1/05/2023 to 31/10/2023. This permission is, however, subject to the applicant furnishing her itinerary to the Inspector of Police, CBI and also filing the copy thereof in this Court with an assurance that on or before 1/11/2023, she shall return back to India.

Interim Application No. 851 of 2023 stands disposed off.

(SMT. BHARATI DANGRE, J.)