

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1162 OF 2023
IN
CRIMINAL WRIT PETITION NO. 4795 OF 2022

Priya Mariam Cherian ... Applicant/Petitioner

V/s.

The State of Maharashtra and Anr. ... Respondents

Mr. Ashwin Thool a/w. Ms. Janvi Manek with Mr. Darshan H. Patankar with Mr. Sangram Parab I.by Cyril Amarchand Mangaldas for Applicant/Petitioner.

Mr. J.P. Yagnik-APP for the State.

**CORAM : SUNIL B. SHUKRE &
M.M. SATHAYE, J.J.**

DATED : MARCH 29, 2023.

P.C. :

. Heard.

2. Prayer clauses (b) and (c) are not pressed and petition in respect of these clauses is disposed of as not pressed.

3. Now the prayer which has to be dealt with by us is prayer clause (a), seeking permission of this Court for the petitioner to travel to Dubai, United Arab Emirates from April 3, 2023 to April 5, 2023. The learned APP submits that an appropriate order in this regard may be

passed. We find that earlier the petitioner had been granted similar permission by this Court and there is no complaint that the petitioner has committed breach of any of the conditions imposed by this Court while granting her permission to travel abroad during specific period of time. We are, therefore, of the view that prayer clause (a) can be allowed and we pass the following order.

ORDER

i) The applicant-Priya Mariam Cherian is permitted to travel to Dubai, United Arab Emirates during the period from 3rd April 2023 to 5th April 2023.

ii) On both the occasions, the applicant, before her departure, shall file an affidavit-cum-undertaking with the Registrar (Judicial-I) of this Court, giving full itinerary of her travel with all details including the tickets, the address where she would be staying, as well as the contact numbers on which she can be contacted, during the said period. A copy of this undertaking shall also be furnished to the respondent no.1. i.e. the concerned Investigating Officer of the Economic Offences Wing before the applicant's departure, by hand delivery as well as by email/fax;

We further make it clear that if this condition is already fulfilled by the applicant, it need not be fulfilled afresh for the purpose of this application but this fact

should be verified by the learned Registrar-Judicial (I) to his satisfaction.

iii) During the said period, the Immigration Authorities on all points of departure, will permit the applicant to pass through immigration in accordance with law, and subject to petitioner fulfilling applicable conditions and to board the flight/flights, irrespective of whether the immigration system has been updated and whether the respondent no.1 has informed the Immigration Authorities or not;

iv) In the meantime, the operation of the LOC issued against the applicant, is stayed during the said period i.e. between 3rd April 2023 and 5th April 2023.

v) The respondent No.1 to forthwith communicate this order to the Immigration Authorities and in any event within 48 hours of this order being uploaded.

4. The application is partly allowed with the above terms and is accordingly disposed of.

5. The Writ Petition be listed on board for admission on 19th April 2023.

(M.M. SATHAYE, J)

(SUNIL B. SHUKRE , J)