

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 1287 OF 2023
IN
CRIMINAL WRIT PETITION NO. 4765 OF 2021

Shikha Kapadia

...Applicant

Versus

1. The State of Maharashtra
 2. Union of India
 3. Bureau of Immigration
 4. Serious Fraud Investigation Office
- ...Respondents

Mr.Sohil Shah, Mr. Anant Tripathi & Ms. Nidhi Chaudhary i/b
Pioneer Legal, for the Applicant.

Mr. V.B.Konde Deshmukh, A.P.P for the Respondent No.1-State.

Mr. S.K.Halwasia, Spl. P.P. a/w Mr. M.M.Nasiri, Mr. Yash Palan, Mr.
Mayank Joshi for the Respondent No.4.

CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.
DATE : 10th APRIL, 2023

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks permission to travel to Pittsburgh, USA, for a period from 21st April, 2023 to 30th April, 2023. Learned Counsel for the applicant submits that the applicant had been permitted, earlier on four occasions, to travel overseas. He submits that, even now, the applicant intends to travel for business purpose.

3. Learned Counsel relied on the program schedule which is annexed to the application at page 13. He submits that the applicant will attend the SFIO on 14th April, 2023, pursuant to the summons issued by the SFIO, New Delhi. He submits that the applicant has always been co-operating with the SFIO and will continue to co-operate with the SFIO in their investigation.

4. Learned Spl.P.P. appearing for the respondent No. 4 - SFIO states that the Respondent No.4 - SFIO has no objection if the applicant is permitted to travel for the period stated aforesaid, subject to conditions as imposed earlier by this Court, whilst permitting the

applicant to travel overseas.

5. By this application, the applicant seeks permission to travel to Pittsburgh, USA, for a period from 21st April, 2023 to 30th April, 2023. The applicant is working as a Senior General Manager (Legal & Group Company Secretary) at WNS Global Services Private Limited. It appears from the application that the applicant intends to travel to Pittsburgh, USA, for her business related work and responsibilities of the company. It is not in dispute that the applicant has travelled overseas, pursuant to the orders passed by this Court, on four occasions. The applicant had annexed the earlier orders to the aforesaid application at 'Annexure -A Colly.' Learned Counsel for the applicant also makes a statement on the instructions of the applicant that she will attend the SFIO on 14th April, 2023 at New Delhi, pursuant to the summons issued by them and thereafter, as and when called. Statement accepted.

6. Considering that this Court has earlier permitted the applicant to travel overseas and having regard to the fact that the

applicant had complied with the conditions stipulated in the said orders, the application is allowed on the following terms and conditions;

ORDER

(i) The applicant is permitted to travel to Pittsburgh, USA, for a period from 21st April, 2023 to 30th April, 2023.

(ii) The applicant, before her departure, to file an affidavit cum undertaking with the Registrar ((Judicial – I), Appellate Side of this Court, giving full itinerary of her overseas travel with all details including the addresses where she would be staying, as well as her contact numbers on which she can be contacted, during the said period. A copy of the said affidavit cum undertaking shall also be furnished to the respondent no.4 - SFIO before the applicant's departure, by e-mail/fax.

iii) The applicant shall in the affidavit cum undertaking, undertake not to apply for extension of this order until she returns to this Country; and that she will return to India, on or before 30th April,

2023 / 1st May, 2023.

iv) The Immigration Authorities on all points of departure, will permit the applicant to pass through immigration and to board her flight or flights, irrespective of whether the immigration system has been updated and whether the respondent no.4 has informed the Immigration Authorities or not.

v) The operation of the LOC issued against the applicant, is stayed during the said period i.e. between 21st April, 2023 to 30th April, 2023.

vi) The Respondent No.4 – SFIO to forthwith communicate this order to the immigration authorities and in any event within 24 hours of this order being uploaded.

vii) The application is disposed of on the aforesaid terms.

viii) All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.