

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

**INTERIM APPLICATION NO.1350 OF 2023
IN
CRIMINAL WRIT PETITION NO.4795 OF 2022**

Priya Mariam Cherian .. Applicant-Petitioner

Vs.

State of Maharashtra,

Through EOW, D.N. Road, Mumbai and Anr. .. Respondents

Mr. Shirish Gupte, Sr. Advocate, with Mr. Ashwin Thool, Mr. A. Sahai, Ms. Janvi Manek, Mr. Darshan Patankar and Mr. Sangram Parab, i/by Cyril Amarchand Mangaldas, for the Applicant-Original Petitioner.

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

CORAM : SUNIL B. SHUKRE & M.M. SATHAYE, JJ

DATE : 19TH APRIL, 2023.

P.C. :

1. Leave to amend the prayer clause of the Interim Application is granted.

Amendment be carried out forthwith.

2. Affidavit-cum-Undertaking dated 18th April 2023, along with annexures thereto, tendered across the bar is taken on record and marked "A" for identification.

3. Heard learned counsel for the applicant-original petitioner and learned APP for respondent no.1-State.

4. The previous record of the applicant shows that, every time, she has been

granted permission by this court to go abroad and return to India within specified time on certain conditions, the applicant has come back to India without a single breach. Therefore, we see no reason to not trust the applicant in keeping her word, which she has made in this application and also in the affidavit-cum-undertaking (Document "A"). Accordingly, we pass the following order :-

- (i) Interim Application is allowed in terms of amended prayer clause (a). Accordingly, the applicant - Priya Mariam Cherian is permitted to travel to Amsterdam, Netherlands during the period from 1st May 2023 till 20th May 2023 and thereafter, she is further permitted to travel to United States of America on condition that she would return to India on 20th May 2023.
- (ii) The applicant shall abide by the assurances and promises given by her in her affidavit-cum-undertaking dated 18th April 2023, which is marked as Document "A".
- (iii) During the aforesaid period, the Immigration Authorities, on all points of departure, will permit the applicant to pass through immigration and to board the flight/flights, irrespective of whether the immigration system has been updated and whether the respondent no.1-State 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 1st May 2023 and 20th May 2023 and for the period when the applicant intends to depart to Amsterdam, Netherlands and United States of America in May 2023 till her return to India on 20th May 2023.
- (v) The respondent no.1-State to forthwith communicate this order to the Immigration Authorities and in any event within forty-eight hours of this order being uploaded.

5. Interim Application is allowed in the aforesaid terms and is disposed of accordingly.

6. Writ Petition No.4795 of 2022 be listed for likely final hearing at admission stage on 19th June 2023.

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

[M.M. SATHAYE, J.]

[SUNIL B. SHUKRE, J.]