



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2496 OF 2023
IN
CRIMINAL APPEAL NO. 1169 OF 2019

Brillant Patrick Jacky Henry Morris ...Applicant
Versus
Shilpa Ramnath Pai & Ors. ...Respondents

Mr. Yakshay Chheda a/w Ms. Riddhi Natekar, for the Applicant.

Mr. K.V.Saste, A.P.P for the Respondent-State.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**
DATE : 27th SEPTEMBER, 2023

P.C. :

1. By this Interim Application, the applicant seeks permission to travel abroad i.e. to France, Greece and Portugal, for a period of four months from the date of grant of return visa.
2. Perused the application/papers. The applicant was

acquitted by the learned Special Judge (POCSO), Sessions Court, Borivali Division, Dindoshi, vide Judgment and Order dated 2nd March, 2019, passed in Special Case No. 37 of 2018.

3. Being aggrieved by the said Judgment and Order of acquittal, the complainant preferred the aforesaid appeal against the applicant's acquittal. The said appeal was admitted by this Court vide order dated 21st January, 2020.

4. It appears that subsequently, pursuant to the 390 action taken in the aforesaid appeal, the applicant gave surety, as directed by the trial Court. Subsequently, one of the surety was replaced and we are informed that as of today, the applicant has furnished sureties to the satisfaction of the trial Court. Statement accepted.

5. The applicant had earlier filed an application seeking permission to travel abroad for a period from August, 2022 till November, 2022. The application was filed on the ground that the

applicant wanted to meet his ailing mother, aged 86 years, who is bed ridden. For the reasons set out in that application, we allowed the said application and permitted the applicant to travel to France for a period from first week of August, 2022 to the third week of November, 2022. During the said period, the applicant was directed to report to the Consulate in France, once a fortnight.

6. It is not in dispute that the applicant is a French national, who is living in India since 1992. Admittedly, whilst admitting the appeal against acquittal of the applicant, no condition was imposed either by this Court or by the trial Court restraining the applicant from travel abroad. It appears that the applicant, by way of an abundant precaution, filed the aforesaid application seeking permission.

7. For the reasons set out in the application that the applicant wants to meet his mother in France and intends to travel to Greece and Portugal, we allow the application and as such, permit the

applicant to travel to France, Greece and Portugal, for a period of four months from the date of grant of his return visa.

8. During the said period that the applicant is in France/Greece/Portugal, he shall report to the Consulate in France, through Video Conferencing, once a fortnight.

9. The Interim Application is allowed and disposed of on the aforesaid terms.

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

GAURI GODSE, J.

REVATI MOHITE DERE, J.