



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

CRIMINAL APPLICATION NO. 193 OF 2023

DR. SHRIKANT KISANLAL MARDA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Senior Advocate Mr. A.P. Mundargi i/b Adv. Sarang S. Aradhye a/w Adv. Gauri Velankar a/w Adv. Shantanu Gurav for the Applicant.

Mr. N. B. Patil, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 04, 2023

P.C. :

- 1.** Heard learned senior advocate for the applicant and learned APP for the State.
- 2.** Learned senior advocate for the applicant at the outset submitted that at presently he is not pressing relief in terms of clause (A) and only requests for permission to travel abroad to New Jersey (United States of America) in terms of clause (B).
- 3.** The applicant's son is staying in New Jersey, U.S.A. Learned senior advocate submitted that the applicant be

permitted to travel to New Jersey for the period of 6 months to meet his son. By an order dated 06/12/2019, the Sessions Court, while enlarging the applicant on bail, imposed a condition that without the permission of the Sessions Court, the applicant shall not leave India.

4. The accusation against the applicant for which he was arrested on 12/10/2019 was that the applicant though was a paediatrician, performed medical termination of pregnancy and thereby committed the offence punishable.

5. Another condition that has been imposed is that the applicant shall file an affidavit that till the conclusion of the trial, he shall not practice medical profession. Such undertaking has been filed. Learned senior advocate is not pressing prayer clause (A) of this application and seeks liberty to file an appropriate application in this Court for such relief at a later stage.

6. So far as prayer clause (B) is concerned, I am inclined to allow the request made by the applicant. The applicant was arrested on 12/10/2019. The charge-sheet was filed after 2 years and 6 months. I am informed that even the

matter has not been committed to the Sessions Court as yet. Thus the framing of the charge is likely to take some time in these circumstances. The applicant has abided by all the bail conditions imposed. The applicant has been restrained from practising. The applicant is 70 years of age. The applicant is a permanent resident of Mangalwedha and has roots there. There is no likelihood of his absconding. Taking an overall view of the matter, though the learned APP strongly opposed the applicant, considering that the applicant's son is residing abroad i.e. in New Jersey (U.S.A.) who the applicant wants to meet, I am inclined to allow the application partly in terms of prayer clause (B). Hence, the following order:-

ORDER

- (a) The applicant is permitted to travel to New Jersey (United States of America) for a period of 4 months to meet his son from the date of his journey.
- (b) The applicant shall file a detailed travel itinerary with the trial Court including all the contact details and the address details of his son.
- (c) The applicant shall furnish copy of passport and visa to the trial Court and the Investigating Officer.

(d) After returning back from New Jersey (U.S.A.), shall report to the Investigating Officer as well as to the trial Court.

(e) As I have not expressed any opinion regarding prayer clause (A), the applicant is at liberty to file an appropriate application in terms of prayer clause (A) after some time in this Court.

7. The application is disposed of.

(M. S. KARNIK, J.)