

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

***INTERIM APPLICATION NO. 3004 OF 2023
IN
CRIMINAL WRIT PETITION NO. 4258 OF 2022***

1. Sushil Akshaya Jani
2. Akshaya Jani

... Applicants

Versus

Union of India & Ors.

... Respondents

Ms. Lakshmi Raman for the Applicants

Mr. D. P. Singh, Spl. P.P for the Respondent Nos.1 & 2-UOI

Mr. Rabindra Hazari a/w Mr. Khozem Mukhtiar for the
Respondent No. 3-PNB

**CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
WEDNESDAY, 10th JANUARY 2024**

P.C :

1 At the outset, learned counsel for the applicants seeks
leave to amend the prayer clause. Leave granted. Amendment to
be carried out forthwith.

2 Learned counsel for the applicants states, on instructions, that she does not press the application *qua* applicant No. 2-Akshaya Jani.

3 As far as applicant No.1-Sushi Akshaya Jani is concerned, learned counsel for the applicants seeks permission for the applicant No.1 to travel to Abu Dhabi, United Arab Emirates (U.A.E) from 15th February 2024 to 18th February 2024 and to Dubai from 18th February 2024 to 28th February 2024.

4 Learned counsel for the applicants states that no FIR has been registered as against the applicant No.1 and as such, the applicant No.1's right to travel cannot be curtailed. She submits that the applicant No. 1 intends to attend a wedding at Abu Dhabi and intends to reside in her daughter's house in Dubai, during the period as stated aforesaid. Learned counsel, on instructions, further submits that the applicant No.1's husband

i.e. Akshaya Jani will deposit his passport before applicant No.1's departure, with the Registrar (Judicial-I), High Court, Bombay.

5 Learned counsel for the respondent No.3-Punjab National Bank, opposes the application.

6 Perused the application. Admittedly, FIR has not been registered as against the applicants. It appears that the applicant No.1 intends to travel to Abu Dhabi for a wedding for a period from 15th February 2024 to 18th February 2024 and thereafter, intends to reside at her daughter's house at Dubai from 18th February 2024 to 28th February 2024. In para 7 of the application, the applicant has given the details of where she would reside during the said period and her contact number. The applicant has also undertaken to deposit her husband's passport before her departure, within one week from today.

7 Considering the aforesaid, we do not find any

impediment in allowing the application on the following terms and conditions :

(i) The applicant No.1-Sushi Akshaya Jani, is permitted to travel to U.A.E from 15th February 2024 to 18th February 2024 and thereafter, to Dubai from 18th February 2024 to 28th February 2024. During the said period, the Look Out Circular (LOC) issued at the behest of Punjab National Bank i.e. respondent No. 3 shall stand suspended;

(ii) The applicant No.1, before her departure, shall file an affidavit-cum-undertaking with the Registrar (Judicial-I), High Court, Bombay, setting out the full itinerary of her overseas travel with all details, including the address where she would stay, telephone/mobile/contact numbers, on which she can be contacted during the said period;

(iii) A copy of the said affidavit-cum-undertaking shall also be furnished to the respondent No.3, before applicant No.1's departure;

(iv) The applicant No.1 shall deposit her husband-Akshaya Jani's passport with the Registrar (Judicial-I), High Court, Bombay, within one week from today;

(v) The applicant No.1 shall, on her return to India, within 48 hours, shall inform the respondent No.3 of her return. On her return, the Registrar (Judicial-I) to hand over the husband's passport to the applicant No.1;

(vi) Learned Special P.P. to communicate this order to the respondent No. 2-Bureau of Immigration forthwith, and in any event, within 48 hours of this order being uploaded, so as to enable the applicant No.1 to travel abroad, as permitted;

(vii) The Immigration Authorities, on all points of departure, will permit the applicant No.1 to pass through immigration and to board her flight or flights, irrespective of whether the immigration system has been updated;

(viii) The applicant No.1 shall not apply for extension of this order, until she returns to India;

(ix) As far as applicant No.2-Akshaya Jani is concerned, the application is not pressed *qua* him.

8 Interim Application is partly allowed in the aforesaid terms and is disposed of.

9 Matter to be listed on **24th January 2024** for recording compliance of the order i.e. deposit of applicant No.1's husband-Akshaya Jani's passport.

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

MANJUSHA DESHPANDE, J. REVATI MOHITE DERE, J.