

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

CRIMINAL APPLICATION NO.53 OF 2024

Poonam Jaidev Shroff

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Swapnil Ambure a/w Madhu Gadodia a/w Anisha Nair i/b. Naik Naik and Company, Advocate for Applicant.
- Ms. Drishti Singh i/b. MZM Legal, Advocate for Respondent No.2.
- Ms. Rajeshree V. Newton, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th MARCH, 2024

P.C. :

1. This application is moved by the Applicant today, for a limited relief at this stage. The main prayers in the application are for modification of the conditions imposed by the Sessions Court while granting anticipatory bail to the Applicant vide the order dated 27/04/2016. The Applicant was granted anticipatory bail in connection with C.R.No.169/2016 registered at Khar police station. One of the conditions was that the Applicant shall surrender her passport with the Investigating Officer and she could not leave jurisdiction of Mumbai without

permission of the Court till filing of the charge-sheet. Another condition was that the Applicant should not leave India without prior permission of the Court. This application is now moved for permission to travel abroad and to retain her passport for that purpose. The prayer in the application mentioned that the said condition be modified and she be permitted to travel abroad in terms of the proposed itinerary annexed to the application. At this stage, learned counsel for the Applicant submits that this application can be kept pending and only interim relief may be granted today, which she is praying through the amended prayers. Copy of the proposed amendment of the prayers is given to the other side.

2. Considering this request, leave is granted to amend the prayer clauses. The amendment to be carried out forthwith. There are three amended prayers i.e. prayer clauses (e), (f) and (g). Learned counsel for the Applicant submits that at this stage he is pressing only prayer clause (g). It means that he is pressing the relief only regarding permission to travel abroad between March 2024 and April 2024.

3. Learned counsel relied on the previous orders passed by different benches of this Court granting similar permissions. He referred to the order dated 23/02/2023 passed in Criminal Application No.37 of 2023 and the order dated 08/03/2022 passed in Criminal Application No.79 of 2022. He submitted that pursuant to these orders, the Applicant had travelled abroad and had returned to India. She has not misused the liberty granted by both these orders.

4. Learned counsel for the Respondent No.2 i.e. the first informant has no objection for granting this limited relief at this stage. Both the learned counsel submitted that there is matrimonial dispute between the informant and the Applicant and the proceeding is pending before the Hon'ble Supreme Court. However, both of them submitted that the question of granting permission to travel abroad for a period of two months is not pending before the Supreme Court.

5. Considering these submissions made by both the learned counsel, taking into account the earlier orders passed by

the different benches and since the Applicant has not misused that liberty; in the light of no objection given by the learned counsel for the informant, this limited relief can be granted to the Applicant for the time being.

6. Hence, the following order :

ORDER

- (i) The Applicant is permitted to travel abroad till end of April 2024. The Applicant shall furnish her itinerary, details of her intended stay and contact numbers with the Investigating Officer.
- (ii) Pursuant to this order, the Applicant can retain her passport till 15/06/2024. On her return back to India, she shall inform the Investigating Officer about her return.
- (iii) The other questions are left open.
- (iv) This matter be listed on 14/06/2024 for further consideration.

(SARANG V. KOTWAL, J.)