

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

**INTERIM APPLICATION NO.2304 OF 2024
IN
CRIMINAL APPLICATION NO.53 OF 2024**

Poonam Jaidev Shroff

Age: 54 years, Occ: Housewife

Residing at 82, Pali Hill, Bandra

West, Mumbai – 400 050 and

presently at 38, Pali Hill, Bandra

West, Mumbai – 400 050

... Applicant

v/s

1. State of Maharashtra

(At the instance of Khar

Police Station vide

C.R. No.169 of 2016)

2. Jaidev Rajnikant Shroff

Age: 59 years, Adult,

Occ: Business, Resident of

Dubai and also residing at 82,

Pali Hill, Bandra West,

Mumbai – 400 050

... Respondents

WITH

CRIMINAL APPLICATION NO.53 OF 2024

Poonam Jaidev Shroff

Age: 54 years, Occ: Housewife

Residing at 82, Pali Hill, Bandra

West, Mumbai – 400 050 and

Presently at 38, Pali Hill, Bandra

West, Mumbai – 400 050

... Applicant

v/s.

The State of Maharashtra

(At the instance of Khar

Police Station vide

C.R.No. 169 of 2016)

... Respondent

Mr Pranav Badheka, a/w. Ms Anisha Nair, i/b. Naik Naik & Co., for the Applicant in IA.

Mr Yogesh Y. Dabake, APP, for the Respondent/ State.

Ms Drishti Singh, i/b. MZM Legal, for Respondent No.2.

HC Ravindra Pawar, Khar Police Station, Mumbai, is present.

Coram: R.N. Laddha, J.

Date: 26 July 2024

P.C.:

Heard the learned Counsel for the parties.

2. By the present application, the applicant seeks permission to travel abroad from June 2024 to October 2024. The applicant has been granted anticipatory bail in connection with CR No.169 of 2016, registered at Khar Police Station, Mumbai, for offences punishable under Sections 328, 323, 504 read with 34 of the Indian Penal Code.

3. Mr Pranav Badheka, the learned Counsel for the applicant, submits that there are marital disputes between the applicant and the informant, which led to filing of the present FIR. The applicant intends to travel abroad from July 2024 to October 2024 to accompany her daughter during her vacations and attend events and medical treatment. The applicant has previously travelled abroad 13 times after being granted pre-arrest bail and obtaining permission from the court and consistently complied with the court's orders by returning to India after each trip. The applicant's travel will not cause any harm or prejudice to the respondents.

4. Mr Yogesh Dabake, the learned Additional Public Prosecutor representing respondent No.1/ State, on instructions, fairly states that

the applicant's application to travel abroad can be allowed for a specified duration.

5. Ms Drishti Singh, the learned Counsel appearing for respondent No.2, oppose the applicant's prayer to travel abroad contending that the offence is serious.

6. Upon review of the records, it is evident that this court has previously permitted the applicant to travel abroad on 13 occasions, and after each trip, the applicant returned to India. Considering the peculiar facts of the case, the interim application is allowed in the following terms:

(i) The applicant is permitted to travel to USA, Europe and Dubai from 27 July 2024 to 31 October 2024.

(ii) The applicant shall furnish an undertaking to the Registry of this Court that she will return to India during this period.

(iii) The applicant shall submit her travel itinerary, details of intended stay, and contact information to the investigating officer.

(iv) The investigating officer shall immediately return the passport to the applicant to enable her to travel and obtain necessary permissions.

(v) The applicant shall re-deposit her passport with the investigating officer within one week after her return.

7. The interim application stands disposed of accordingly.

8. Place the Criminal Application No.53 of 2024 for hearing on 30 August 2024.

(R.N. Laddha, J.)