

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

**INTERIM APPLICATION NO.2907 OF 2024
IN
CRIMINAL APPEAL NO.633 OF 2015**

Chhaya Ashok Kumar Purwar ..Applicant
Versus
The Superintendent of Police & Anr. ..Respondents

**WITH
INTERIM APPLICATION NO.2894 OF 2024
IN
CRIMINAL APPEAL NO.634 OF 2015**

Ashok Kumar Purwar ..Applicant
Versus
The Superintendent of Police & Anr. ..Respondents

Ms. Muskan H. Shahdadpuri i/by Ravi L. Gurnani, for the Applicant
in both the Applications.
Mr. Swapnil V. Walve, APP for the Respondent/State.
Ms. Ameeta Kuttikrishnan, for the Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd AUGUST, 2024

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1. These Applications are preferred by the Applicants for permission to travel abroad for a period of one year. The Applicant/Chhaya is wife of the Applicant/Ashok Kumar. Both of them were convicted by the learned Special Judge for CBI cases Mumbai for commission of offences under Sections 109 of IPC and

Sections 13(1)(e) and 13(2) of the Prevention of Corruption Act. The Applicant/Ashok Kumar was sentenced to suffer rigorous imprisonment for three years. The Applicant/Chhaya was sentenced to suffer rigorous imprisonment for two years. Both of them have filed their respective separate Appeals, which are admitted in the year 2015 and are pending for final disposal. Both of them were granted bail during pendency of their Appeals.

2. The present Applications are for permission to travel abroad. It is stated that their daughter is settled in Perth, Australia. Her husband is to travel to Germany in connection with his job. The Applicants' daughter herself is working. Therefore, there is no one to look after the Applicants' grandchildren in Australia. In this situation, it is necessary for them to go to Australia to look after their grandchildren. Learned counsel for the Applicants invited my attention to the previous orders permitting them to travel abroad. She submitted that the Applicants have travelled abroad and have returned back, which shows their bonafides.

3. Learned counsel for the Respondent/CBI filed affidavits in reply in these Applications, which are taken on record. There is an objection raised for granting such permission. It is also mentioned in the affidavit that the period prayed for is too long.

4. I have considered these submissions and perused earlier orders.

5. *Vide* earlier orders dated 17th October, 2019, 20th April, 2022 and 23rd August, 2023, passed in different Applications by different benches of this Court, the Applicants were permitted to travel abroad for various periods. The Applicants had accordingly travelled abroad and returned to India, therefore, they have sufficiently established their bonafides. Both the them are above 70 year. The Appeals are not likely to be decided in the reasonable near future. The difficulty expressed by the Applicants appears to be genuine. Therefore, I am inclined to allow these Applications. Hence, the following order :-

ORDER

- (a) The Applicants are permitted to travel to Australia for a period between 1st September, 2024 to 1st September, 2025.
- (b) Before leaving India, the Applicants shall provide itinerary and their address, where they are likely to reside in Australia well in advance to the Superintendent of CBI, ACB, Mumbai.
- (c) On returning back to India, the Applicants shall immediately inform the same authority about their return.
- (d) Both these Applications are disposed of.

(SARANG V. KOTWAL, J.)