

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

**INTERIM APPLICATION NO.3804 OF 2024
IN
CRIMINAL APPEAL NO.383 OF 2010**

Mercy JohnApplicant
Versus
CBI, ACB,Mumbai BS and FC
EOW and another Respondents

Ms. Shagufta Patel, Advocate i/b. Harshad Bhadbhade for
the Applicant.

Mr. Ashish Kumar Srivastava, Advocate i/b. Kuldeep S. Patil
(Retainer Counsel for CBI) for the Respondent No.1-CBI.

Mr. Vinit A. Kulkarni, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 30th SEPTEMBER, 2024

P.C. :

1. The Applicant was the original accused No.2 in Special Case No.7/2003 before the Special Judge for CBI at Mumbai. At the conclusion of the trial, the Applicant was convicted for commission of the offence punishable under Section 12 of the Prevention of Corruption Act and was sentenced to suffer RI for six months and to pay a fine of Rs.3,000/- and in default of payment of fine to suffer SI for

six months. The Applicant preferred Criminal Appeal No.383/2010, which was admitted on 17.6.2010. The Applicant was granted bail pending her Appeal.

2. Heard Ms. Shagufta Patel, learned counsel for the Applicant, Mr. Ashish Kumar Srivastava, learned Special Counsel for the Respondent No.1-CBI and Mr. Vinit Kulkarni, learned APP for the Respondent No.2-State.

3. The present Application is filed for permission to travel abroad for a period of six months from November, 2024 to April, 2025.

4. Learned counsel for the Applicant submitted that the Applicant's daughter is pregnant and the tentative date of delivery is 17.12.2024. It is a high risk pregnancy. Therefore, the Applicant wants to stay with her daughter and take care of her health.

5. Learned counsel for the Applicant invited my attention to the previous orders passed permitting the

Applicant to travel abroad. She submitted that similar orders be passed.

6. Learned counsel for the CBI – the contesting party objected to grant of such relief. However, he could not counter the submission that in the past the Applicant has travelled abroad pursuant to the various orders passed by this Court and has returned back to India.

7. I have considered these submissions. The Appeal is pending since 2010 and it is not likely to be decided in the near future. The Applicant's difficulty is genuine as her daughter has a high risk pregnancy. There are previous orders granting her permission to travel abroad; they are passed as follows :

Sr. No.	Date of order	Application number
1	19.3.2015	Cri.Application No.164/2015
2	1.9.2017	Cri. Application No.1074/2017
3	24.7.2019	Cri.Application No.1080/2019
4	19.3.2021	Interim Application No.433/2021
5	28.10.2021	Interim Application No.2510/2021
6	11.4.2023	Interim Application No.851/2023

8. On every such occasion, the Applicant has returned to India and has thus established her bonafides. She has already deposited the amount of Rs.1 Lakh before this Court way back in the year 2015 which is still not withdrawn.

9. Learned counsel submitted that the said amount will not be withdrawn by her without seeking permission of the Court specifically after her return.

10. Considering this background, I am inclined to allow this Application. Hence, the following order :

ORDER

- (i) The Applicant is permitted to travel to USA between November, 2024 to April, 2025. She shall furnish her itinerary to the concerned police officer of CBI and shall furnish the address and phone number in USA.
- (ii) The Application is disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
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(SARANG V. KOTWAL, J.)