

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 981 OF 2025

IN

CRIMINAL APPEAL NO. 160 OF 2013

Anjali Arvind Mittal

...Applicant

In the matter between :

Anjali Arvind Mittal and Another

...Appellants

Versus

Union of India and Another

...Respondents

Mr. Maitreya Shukla for Applicant.

Mr. Kuldeep S. Patil, Ms. Sampada S. Patil for Respondent-CBI.

Ms. S. G. Talhar, APP for Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : 9th May, 2025.

P. C. :

1. Interim Application has been preferred seeking permission to travel to Switzerland, France and Germany for a period of 30 days between 1st August, 2025 to 31st August, 2025 on terms and conditions as may be imposed.

2. Learned counsel appearing for Applicant submits that the Applicant was Accused No. 2 in Special Case No. 60 of 2005 and has been convicted for offence under Prevention of Corruption Act, 1988 read with Section 109 of Indian Penal Code, 1860 and sentenced to

undergo rigorous imprisonment for one year with fine of Rs. 50,000/-. He submits that the Appeal has been filed and the Applicant has been released on bail. He submits that in the pending Criminal Appeal, an Interim Application was filed seeking permission to apply for passport and by order dated 3rd December, 2021, the Applicant's submission has been recorded that in event, passport is issued, the Applicant shall not travel abroad without permission of Court which amounts to undertaking given to this Court. He submits that the present Application is in view of undertaking given to this Court.

3. He would further submit that the intention to travel is for medical consultation as well as leisure. He submits that Applicant suffers from Parkinson's disease and intends to take medical consultation in Europe. He would further submit that by Additional Affidavit, the places where she intends to travel are specified and tentative itinerary has been produced and in view of orders pending in the present Application, no travel reservations were made. He submits that during the visit, the Applicant will be accompanied by his son and his mobile number is given in the Additional Affidavit and as well as the mobile numbers of Applicant's husband and brother-in-law.

4. *Per contra*, Mr. Patil, learned counsel appearing for the CBI-Respondent No. 1 would submit that Applicant has been convicted for offence punishable under Prevention of Corruption Act, 1988 and the

Appeal is pending. He submits that there is no need for visit of Applicant to European countries and it will be difficult to secure the presence of Applicant in the pending proceedings. He submits that only condition on which the passport was permitted to be issued was in view of submission that she will not travel abroad without leave of the Court and in this case, there is no necessity to grant leave.

5. I have considered the submissions and perused the record.

6. The Criminal Appeal is of the year 2013 and is still pending final adjudication. By order dated 3rd December, 2021, in view of undertaking given by Applicant to this Court that she will not travel abroad without prior permission of the Court, the present Application has been filed seeking suspension of undertaking for a period of 1 month. The offence for which the Applicant has been convicted is under the Prevention of Corruption Act, 1988. The family members of the present Applicant, i.e. husband and brother-in-law are residing in Delhi and she has roots in Gurgaon, India. There is no material to demonstrate that the present Applicant is at flight risk particularly, considering that her husband is not accompanying her on trip.

7. In light of the above, I am inclined to allow the Application and permit the Applicant to travel to Switzerland, France and Germany for a period of 30 days between 1st August, 2025 and 31st August, 2025 on her Indian passport subject to following conditions:-

8. Hence, the following order is passed:-

: O R D E R :

[i] The Applicant is permitted to travel overseas, i.e. Switzerland, France and Germany for a period of 30 days between 1st August, 2025 to 31st August, 2025.

[ii] Before her departure, the Applicant shall file undertaking with Registrar (Judicial-I) giving itinerary with full details including the addresses where she will be staying as well as the overseas contact numbers on which she can be contacted.

[iii] The said undertaking shall also be furnished to Respondent No. 1 before the Applicant's departure.

[iv] The Applicant shall not apply for extension of this order unless she returns to India and upon her return, Applicant will inform the Respondent No. 1 of her arrival in India.

[v] All concerned to act on an authenticated copy of this order.

[Sharmila U. Deshmukh, J.]