



CIVIL

Bombay High Court Allows Accused to Travel Abroad Amid Matrimonial Dispute: A Balanced Judicial Approach

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Introduction

The Bombay High Court in the case of Sukrutkumar Babasaheb Bhandare vs. State of Maharashtra & Anr.^[1] granted permission to a Non-resident Indian employed in the United States of America, to travel abroad to resume his job despite being accused in a matrimonial case. The Court's ruling in Criminal Writ Petition No. 2980 of 2025 respects both the livelihood of the accused as well as the due process.

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Background of the Case

Sukrut kumar Babasaheb Bhandare, the Petitioner, was booked under various offences punishable under Sections 498A (deals with cruelty^[2] by husband or relatives of the husband of a woman), 406 (deals with punishment for criminal breach of trust), 323 (deals with punishment for voluntarily causing hurt), 504 (deals with intentional insult with intent to provoke breach of the peace) read with Section 34 (deals with acts done by several persons in furtherance of common intention) of the Indian Penal Code (IPC) by the complaint filed by his wife, the Respondent No. 2. The criminal case arose from FIR No. 1256 of 2022 and the matter was also subject to mediation proceedings as directed by Bombay High Court.

While the husband was granted pre-arrest bail earlier in Criminal Bail Application No. 719 of 2024, he filed an application for seeking permission to return to the United States of America, he is employed with Stanley Black and Decker INC New Britain Ct (US). His plea was rejected by the Sessions Court, Pandharpur, on the grounds that if the accused left India, then the process of investigation as well as mediation proceedings would have been hampered. Therefore, the Petitioner filed a Writ Petition under Article 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Contentions & Court's Observation

The learned counsel for the husband argued that the husband had been in India since 20th April, 2024 due to the dispute and had fully cooperated with the authorities. As the accused is an NRI employed in the United States of America, his further stay in India could result in him losing his job which would drastically affect his livelihood. Whilst, the learned advocate for the wife submitted that the husband had allegedly withheld all the Original Certificates of the wife and refused to hand over the same to the wife.

At the joint request of the husband and wife, the matter was kept back for some time to explore a workable arrangement. Eventually, both parties agreed to certain conditions that would allow the husband to travel to the USA while ensuring the smooth progress of the legal proceedings.

The conditions included the petitioner handing over all documents and certificates belonging to the wife, providing electronic data stored on his laptop, and undertaking to participate and cooperate in the trial without causing any obstruction or delay. Additionally, the husband agreed to appear before the trial court whenever required and to provide his residential address, contact number, and email address in the USA.

The Court's Ruling

Justice Ashwin D. Bhole of the High Court of Judicature at Bombay appreciated the cooperative approach of both parties and their counsels. The court set aside the previous order dated 14th May 2025 and allowed the petitioner's application to travel to the USA, subject to the agreed conditions. The court emphasized that both parties must abide by their statements and undertakings recorded in the document marked as "X".

Conclusion

This case highlights the importance of flexibility and cooperation in the legal process. It demonstrates that even in complex and contentious matters, a balanced approach can lead to a fair and just resolution. The High Court's decision protects the rights of the petitioner and ensures the integrity and progress of the legal proceedings. It is a reminder that justice can be served while accommodating the personal and professional needs of individuals involved in legal disputes.

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[1] 2025 SCC OnLine Bom 2147

[2] The term “*cruelty*” means any wilful conduct that may cause grave injury or danger to life, limb or health

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