

Court No. - 16

Case :- APPLICATION U/S 482 No. - 12128 of 2023

Applicant :- Sunil Lulla

Opposite Party :- Central Bureau Of Investi. Thru. Superin. Of Police Head Of Branch Cbi Acb Lko.

Counsel for Applicant :- Paavan Awasthi, Prashast Puri, Shikhar Mishra

Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Prashast Puri, the learned counsel for the applicant and Sri Anurag Kumar Singh, the learned counsel representing the respondent-CBI and perused the records.

2. This is an application under Section 482 Cr.P.C. challenging an order dated 04.12.2023 passed by the In-charge learned Special Judicial Magistrate (CBI), Lucknow, rejecting the application for release of his passport and permission to the applicant to travel abroad.

3. The aforesaid case has been initiated on the basis of an F.I.R. lodged by the C.B.I. on 20.10.2020 against an unknown person on the basis of a complaint given by Kamal Sharma (opposite party no. 2), who claims to be in Media and Advertising Business in the name and style of 'Golden Rabbit Communications Pvt. Ltd.' and who complained that he has reliable information that certain unknown persons have wrongfully manipulated Television Rating Points (T.R.P.). The T.R.Ps. are measured by an electronic method by installing Peoples Meter Device, which is attached to Television sets in selected homes. The complainant alleged that the aforesaid devices had been tampered to manipulate T.R.P. wrongfully.

4. The F.I.R. was initially lodged on 17.10.2020 in P.S. Hazratganj, Lucknow, which was registered as Case Crime No. 318 of 2020. The investigation was transferred to the C.B.I. on the very next day. The C.B.I. registered RC0502020S0013 on 20.10.2020. On 23.11.2022 the C.B.I. has submitted a charge sheet in the Court of Special Judicial Magistrate (C.B.I.), Lucknow, giving Statewise details of BAR-O-METERS installed in the households in the entire country.

5. Regarding the allegation of data-manipulation at household level the C.B.I. concluded that no conclusive evidence emerged

before the T.R.P. Data Manipulation at Household level by any particular T.V. channel.

6. Regarding the allegation of T.R.P. Manipulation by the B.A.R.C. (Broadcasting Audience Research Council) officials at Head Office Mumbai, the chargesheet states that on 29.04.2020, one Derrick Grey, Chief of Measurement Science, B.A.R.C., received instructions from the applicant, who was the C.E.O., B.A.R.C., to explore change in the data of India Today channel relating to Bangalore for week 16 of the year 2020 before its release, and he passed on instructions to Market Analytic Team, B.A.R.C., and the team prepared two scenarios, in which the viewership data of the aforesaid Channel was decreased in the scenarios built up by the Market Analytic Team, without having any evidence of data in support.

7. In this manner, All India Rank of the channel was brought down from Position-2 to Position-3. It is alleged that the applicant approved one of the two scenarios justifying it on the basis of 'business-decision'.

8. The applicant has been granted anticipatory bail in the aforesaid case by means of an order dated 22.03.2023 passed by the Special Judge, Anti-corruption, CBI, West, Lucknow and amongst other conditions, a condition was imposed that he will deposit his passport in the court.

9. Thereafter the applicant had filed an application under Section 482 Cr.P.C. No. 5257 of 2023 and by means of an order dated 25.05.2023, this Court has stayed the operation and effect of the order dated 02.02.2023 passed by the Special Judicial Magistrate summoning the petitioner to face trial of the case after recording prima facie satisfaction that from the material placed before the Court at this stage is that the allegation is of manipulating T.R.P., which would obviously result into loss of T.R.P. to some channels, but no television channel has made any complaint in this regard. The complainant has described himself to be an official of Golden Rabbit Communication, but the aforesaid Company has issued a press-release on 21.10.2022, stating that the complaint has not been filed on behalf of the Company. An F.I.R. in regard to the allegation of manipulation T.R.P. has already been lodged at Mumbai and after completion of investigation a chargesheet has already been submitted and the matter is pending consideration of the competent court. The complaint does not make any averment about the ensuing consequences of the alleged act committed by the applicant. The applicant joined the Company after the chain of events leading to the alleged offence had already commenced, but no person, other than the complainant, has

been made an accused in the case.

10. That the applicant is founder of the LINUS Adventures LLP and he has been invited to attend a business workshop at Colombo, Sri Lanka from 22.12.2023 to 27.12.2023 invited by Quantum Consumer Solutions to attend the workshop.

11. He has been accorded approval for the aforesaid purpose by the Department of Immigration and Emigration Sri Lanka.

12. Having considered the aforesaid facts and circumstances of the case and keeping in view the prima facie satisfaction recorded by this Court while passing the order dated 25.05.2022 in application under Section 482 Cr.P.C. No. 5257 of 2023 and also keeping in view the undertaking by the petitioner that he shall travel and return and appear before the competent court within a reasonable time of his return, I am of the view that the aforesaid condition of deposit of passport imposed in the order dated 22.03.2023 granting bail to the applicant, deserves to be relaxed.

13. Accordingly, the instant application is ***allowed***. The order dated 04.12.2023 passed by the In-charge learned Special Judicial Magistrate (CBI), Lucknow is set aside. The condition of deposit of passport imposed in order dated 22.03.2023 passed by the Special Judge, Anti-corruption, CBI, West, Lucknow granting bail to the applicant is relaxed and it is provided that the Chief Judicial Magistrate concerned will return the applicant's passport forthwith to enable him to go to Colombo and attend the conference and immediately after his return, the applicant will redeposit the passport to the trial court latest by 01.01.2024.

Order Date :- 15.12.2023

Pradeep/-