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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on: 29th June, 2015

+ CRL. M.C. 2542/2015

SURENDER KUMAR ARORA & ANR. Petitioner
Represented by: Petitioner No. 1 in person.

Versus

STATE (GOVT OF NCT OF DELHI) Respondent
Represented by: Mr. Neeraj Kumar Singh,
APP for the State with ASI Dharamvir Singh,
PS CWC Nanakpura, New Delhi.
Ms. Nandita Abrol, Advocate for the
Complainant.

**CORAM:
HON'BLE MR. JUSTICE SURESH KAIT**

SURESH KAIT, J. (Oral)

Crl. M.A. No.9051/2015 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ CRL.M.C. 2542/2015

1. Vide the present petition, the petitioners impugn the order dated 30.05.2015 passed by the learned Metropolitan Magistrate in case bearing FIR No.90/2012, registered at Police Station CWC Nanak Pura, under Sections 406/498A/34 IPC, whereby while

granting permission to travel abroad, imposed following conditions:-

“1. The accused Surender Arora is directed to produce accused Ankit Arora and Amisha Arora in court on next date and he shall furnish an undertaking in this regard alongwith FDR in sum of Rs.2 lacs as a security deposit to ensure his presence and presence of his children Ankit Arora and Amisha Arora in court on next date, failing which the amount of FDRE will be forfeited to the State and accused Surender Arora and Neelam Arora will never be given permission in future to travel abroad.

2. Accused Surender Arora and Neelam are directed not to leave the country without fulfilling above said condition.

3. Both accused shall return back to India by 17.08.2015 and shall not misuse the liberty and shall not avoid the process of the court. Accused are directed to file the itinerary and copy of air tickets before going abroad.”

2. It is not in dispute that the petitioners are accused in case bearing FIR No. 90/2012, registered at Police Station CWC Nanak Pura under Sections 498A/406/34 IPC. It is also not disputed that Ankit Arora and Amisha Arora, son and daughter of the petitioners respectively are also accused in the aforesaid case. As submitted son of the petitioners, namely, Ankit Arora, has been declared

Proclaimed Offender by the Trial Court and Non-Bailable Warrants have been issued against him. Admittedly, daughter of the petitioners, namely, Amisha Arora never appeared, therefore, Non-Bailable Warrants have been issued against her also.

3. The petitioners have moved the application seeking permission to travel abroad to meet the aforesaid accused. The learned Trial Court granted the permission with the conditions mentioned above.

4. The petitioner No.1, who is present in person, submits that the aforesaid conditions amount to restrict his travel to abroad which is against the fundamental principles of Article 21 of the Constitution of India.

5. To strengthen his arguments, he has relied upon a case of ***Maneka Gandhi Vs. Union of India & Anr., (1978) 1 SCC 248*** and ***Satwant Singh Sawhney Vs. D. Ramarathnam, APO & Ors., AIR 1976 SCC 1836***.

6. Petitioner No.1 submits that the Trial Court has wrongly put the aforementioned conditions as the petitioners are unable to fulfil these conditions.

7. Petitioner has also relied upon a case bearing Crl. M.C. No. 4231/2012, titled as '***Nandini Bhatnagar Vs. State Govt. of NCT of Delhi***', decided on 14.12.2012.

8. The petitioners are not denying the fact that they are going to meet their children, who are accused in the aforementioned case and against whom Non-Bailable Warrants have been issued. There is no other purpose for going abroad. In such a situation, I find no discrepancy in putting the aforementioned conditions by the Trial Court while granting permission to travel abroad to the petitioners. It will not make any difference that no such conditions were imposed in orders enlarging them on bail. The cases cited by the petitioners are not relevant in the facts and circumstances of the present case.

9. In view of the above noted facts, I am not inclined to interfere with the conditions imposed by the learned Trial Court vide its order dated 30.05.2015.

10. Accordingly, the petition is dismissed.

SURESH KAIT, J.

JUNE 29, 2015

sb/jg