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

\+ **CRL.M.C. 240/2016**

VIJAY MANCHANDA ..... Petitioner

Represented by: Mr.Suhail Malik, Advocate.

Versus

STATE ..... Respondent

Represented by: Mr.Ashish Dutta, Additional Public Prosecutor for the State with SI A. Kumar, P.S. EOW.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

O R D E R

% **20.01.2016**

CM No.1027/2015 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

CRL.M.C. 240/2016

1. Vide the present petition, the petitioner seeks directions thereby to release the passport of the petitioner to enable him to travel abroad.

2. Learned counsel appearing on behalf of the petitioner submits that FIR in the present case was registered on 04.02.2014 by Economic Offences Wing (Central) vide FIR No. 11/2014 for the offences punishable under Sections 406/420/120B IPC. There are 23 accused in this case including Mrs. Meenu Manchanda and Mr.Dushyant Manchanda, wife and son of the petitioner respectively. Passport of Dushyant Manchanda is seized with the court of learned Chief Metropolitan Magistrate.

3. Learned counsel further submits that after registration of the aforesaid FIR, the petitioner travelled to USA for a business trip of 47 days and returned to India on 04.07.2014. Thereafter, on 31.10.2014, the petitioner was arrested by the Investigating Agency and enlarged on bail by the learned Additional Sessions Judge, Tis Hazari, Delhi, on 11.05.2015. Thereafter, the petitioner moved an application seeking modification in the terms of the bail, however, the same was dismissed by the learned Additional Sessions Judge vide order dated 20.10.2015.

4. Being aggrieved, the present petition has been filed.

5. The learned Additional Public Prosecutor appearing on behalf of the State submits that the total cheated amount in the present case is more than Rs.11,00,00,000/-, petitioner is a habitual offender and if he is granted permission to travel abroad, he may flee from the judicial process.

6. On perusal of the petition, it is revealed that the petitioner has received an invitation dated 10.12.2015 from Smithtown Gold & Diamond Inc. d.b.a. Nassau Buyers, 10 West Cherry Street, Hicksville, NY 11801.

7. It is not in dispute that the petitioner is in the business of gold and for the purpose of his business he is required to be over there. Moreover, the immovable ancestral property of the petitioner of worth Rs.6,00,00,000/- has already been seized by the Investigating Officer under Section 102 Cr.P.C. The passport of son of the petitioner is already seized by the Court as noted above, his wife and son are in India and the petitioner has deep roots in the Society.

8. Keeping in view the facts and circumstances of the case and the invitation having been received by the petitioner, I hereby allow the petitioner to travel to New York from 05.02.2016 to 20.02.2016 in relation to his business, subject to his depositing an FDR amounting to Rs.15,00,000/- before the learned Trial Court.

9. In view of the above, the present petition is allowed.

10. A copy of this order be given *dasti* to the learned counsel for the petitioner.

11. The Registry of this Court is directed to send a copy of this order to the concerned Trial Court for information.

SURESH KAIT, J.

JANUARY 20, 2016
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