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

+ **CRL.M.C. 3025/2016**

MAYANK TEHLAN

..... Petitioner

Represented by: Mr. Prabhjit Jauhar and Ms.
Akriti Dawar, Advocates.

versus

STATE & ANR.

..... Respondents

Represented by: Ms. Rajni Gupta, APP for the
State with SI Pramod Kumar,
PS Janak Puri, Delhi.
Mr. Sandeep Kapur and Mr.
Vir Sandhu, Advocates for
respondent No.2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.12.2016

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1. The petitioner was granted anticipatory bail by the learned Trial Court vide order dated 15th July, 2015 in case FIR No.661/2015 under Sections 498A/406/34 IPC registered at PS Janak Puri, Delhi. The operative portion of the order dated 15th July, 2015 reads as under:

“9. Therefore, keeping in mind the nature of accusation and the judgments relied upon by the Ld. Counsel for the applicant/accused, the fact that since the applicant/accused is admittedly serving in ONGS as a Senior Manager so there is no likelihood of his fleeing from justice. Since the allegations levelled against the applicant/accused are of general in nature and in the considered opinion of this court, no custodial interrogation is required and recovery, if any, is required from the applicant/accused. He may be directed to join the investigation and to cooperate with the investigating officer. So, I am inclined to hold that the

CRL.M.C. 3025/2016

Page 1 of 3

applicant/ accused is entitled for grant of anticipatory bail. Therefore, the applicant/accused is ordered to be released on bail, in the event of arrest, on furnishing of bail bond in the sum of ₹20,000/- with one surety of the like amount to the satisfaction of the IO/SHO of the concerned police station and subjected to the compliance of all the conditions as mentioned under Section 438 (2) of Cr.P.C. and the applicant/accused is directed to surrender his passport to his investigating officer/SHO immediately and to join the investigation, as and when, would be required by the IO/SHO. He is also directed to provide his mobile phone number to the IO/SHO within one week from today. He shall not leave the country without prior permission of the trial court/Ld. Duty MM. He shall not tamper with the prosecution evidence.”

2. By the present petition, the petitioner seeks modification of the condition imposed vide order dated 15th July, 2015 while granting him anticipatory bail directing him to deposit the passport with the Investigating Officer/ SHO and to seek prior permission of the learned Trial Court/ learned duty MM before travelling abroad.

3. The petitioner on affidavit has stated that he is serving in ONGC, government PSU as a Senior Manager and is a cricketer due to which he has to travel frequently in and outside the country for playing matches. It is further stated that at time he is required to travel even at short notice. Thus the condition of deposit of passport and to seek prior permission for travelling abroad is onerous, hindering his activities.

4. A reply to the petition has been filed by the respondent No.2/complainant. To oppose the petition, respondent No.2 has stated that there is not a single application filed by the petitioner seeking permission to

travel abroad after the order dated 15th July, 2015 and that there are several proceedings going on between the parties and the non-presence of the petitioner during the said proceedings would hamper the same and cause unnecessary delay. It is further stated that the petitioner did not appear before the Family Court on 17th February, 2016 on the pretext that he had gone to play the cricket match being a cricketer however, no such match was fixed.

5. The petitioner has placed on record his travel documents showing that he had travelled to Mumbai on the 16th February, 2016 to participate in the All India D.Y. Patil Cricket Tournament.

6. Considering the nature of assignment of the petitioner, that is, his sports activities for which he may have to travel often and that too on a short notice, this Court finds that the condition of deposit of passport and seeking prior permission from the learned Trial Court to go abroad imposed vide the impugned order is onerous. The order dated 15th July, 2016 as passed by the learned Additional Sessions Judge granting anticipatory bail to the petitioner is modified by directing the SHO/IO concerned to return the passport of the petitioner to him within a week. Further the petitioner will inform the learned Trial Court about his itinerary on affidavit before leaving the country. Thus modifying these two conditions, the order dated 15th July, 2015 passed by the learned Additional Sessions Judge granting anticipatory bail to the petitioner is maintained.

7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 09, 2016/‘vn’

CRL.M.C. 3025/2016

Page 3 of 3