

1# \$~

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

+ W.P.(CRL) 1456/2018

AKHLAQ AHMED KHAN

..... Petitioner

Represented by: Mr. Habibur Rahman,
Advocate with petitioner in
person.

versus

STATE & ANR

..... Respondents

Represented by: Mr. Ranbir Singh Kundu,
Additional Standing Counsel
for State, Ms. Suman Saharan
and Mr. Bhagat Singh,
Advocates with SI Mukesh, PS
Sagarapur

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

17.05.2018

%

1. By this petition, petitioner seeks release of the passport so that he can go to Saudi Arabia to perform Umrah/Hajj.
2. The petitioner was granted anticipatory bail by this Court vide order dated 21st March, 2014.
3. Two conditions for grant of anticipatory bail were that the petitioner shall not leave the country without prior permission of the Arresting/Investigating Officer and that he shall deposit his passport, if any, with the Arresting/Investigating Officer along with the bail bond, besides the other conditions imposed.

4. The petitioner now seeks to go for Umrah and the passport of the petitioner is with the Investigating Officer.
5. FIR No. 291/2012 was registered under Sections 420/468/471/120B IPC after directions under Section 156 (3) Cr.P.C.
6. Learned counsel for the petitioner contends that after grant of anticipatory bail on 21st march, 2014 the petitioner was only called for furnishing the bail bond and the surety bond and surrendering the passport, whereafter till date he has not been called for joining the investigation. Learned counsel for the petitioner further contends that the money alleged to be misappropriated, that is, ₹1.70 lakhs has already been deposited with the learned Trial Court in the form of FDR by the petitioner.
7. Learned Additional Standing Counsel for the State on instructions submits that the charge sheet is likely to be filed within two weeks.
8. In view of the fact that the petitioner is no more required for investigation and has roots in the society as his family is found residing in Mahabir Enclave, New Delhi, this Court deems it fit to grant leave to the petitioner to travel to Saudi Arabia for performing Umrah. The Investigating Officer is directed to release the passport of the petitioner to him today itself. On being granted permission and the date of the petitioner being fixed, he will give intimation to the Investigating Officer as to when he will be travelling out and returning back.
9. Considering the fact that the charge sheet is going to be filed and on the consent of learned counsel for the petitioner and learned Additional Standing Counsel for State, this Court deems it fit to modify the two conditions imposed in the order dated 21st March, 2014 and it is now

directed that after return from Saudi Arabia, the petitioner will deposit his passport with the learned Trial Court and as and when he has to leave the country, he will seek a prior permission of the learned Trial Court. The other conditions imposed in the order dated 21st March, 2014 would remain same.

10. Petition is disposed of.

11. Order dasti.

MUKTA GUPTA, J.

MAY 17, 2018

‘vn’