

High Court for the State of Telangana

The Hon'ble The Acting Chief Justice Raghvendra Singh Chauhan

Writ Petition No.10116 of 2019

Date: 15-05-2019

Between:

Bijay Kumar Mohanty

...Petitioner

And

The Union of India
Rep. by its Under Secretary,
Ministry of Home Affairs, Jaisalmer House
Mansingh Road, New Delhi and 4 others

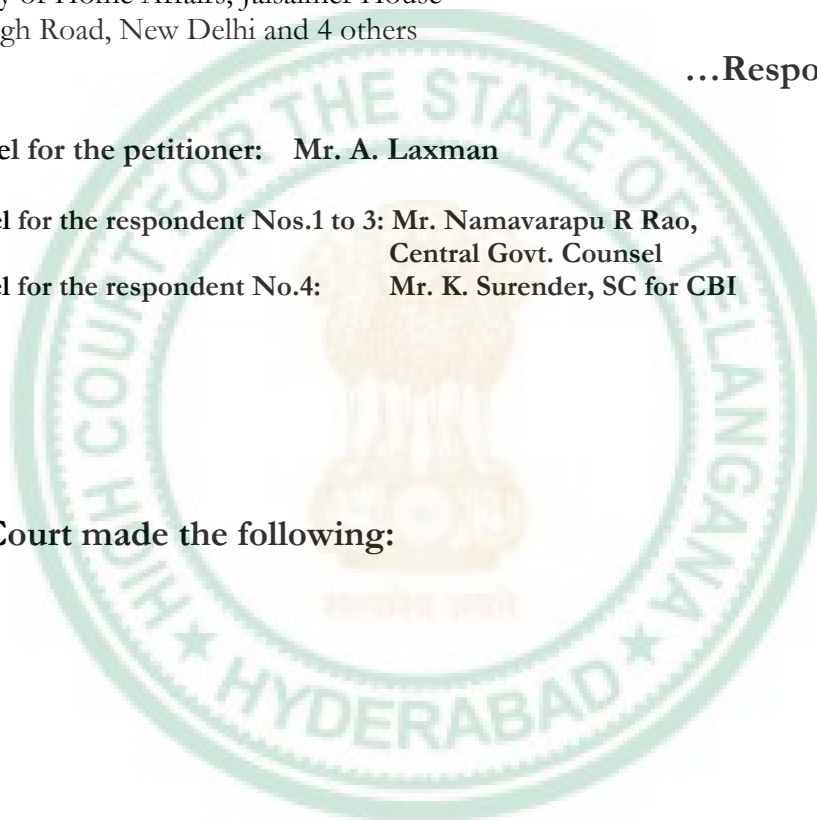
...Respondents

Counsel for the petitioner: Mr. A. Laxman

**Counsel for the respondent Nos.1 to 3: Mr. Namavarapu R Rao,
Central Govt. Counsel**

Counsel for the respondent No.4: Mr. K. Surender, SC for CBI

The Court made the following:



Order:

The petitioner is aggrieved by the fact that he is not being allowed to travel abroad *i.e.*, to United Kingdom. Since his daughter is expecting to deliver a child in the first week of June, 2019, since his daughter is living in England, he needs to travel to the United Kingdom.

By order dated 08-05-2019, this Court had issued notice to the respondents.

Mr. K. Surender, the learned Standing Counsel for the Central Bureau of Investigation (CBI), submits that on 11-03-2019, FIR No.1 of 2019 was registered against the petitioner and seven other persons working for M/s. PCH Corporation Ltd., M/s PCH Lifestyle Limited, and M/s PCH Retail Limited, and other Directors of the said companies. In the FIR the petitioner is arrayed as accused No.8. The allegations are that the named accused persons, along with the companies, have cheated the Andhra Bank for a huge sum of Rs.28.44 Crores. Therefore, the CBI is of the *bona fide* belief that if the petitioner were permitted to leave the country, there is a grave possibility that he may abscond.

Hence, he cannot be put up for trial in relation to the said FIR.

On the other hand, Mr. A. Laxman, the learned counsel for the petitioner, submits that, by order dated 25-04-2019, passed by the learned Single Judge of this Court, the accused No.4 (Mr. Sardar Balvinder Singh), who is allegedly the main culprit, was permitted to travel abroad subject to the condition that he should intimate his travel plans to the CBI. Therefore, the learned counsel pleads that the case of the present petitioner is on a better footing than that of Mr. Sardar Balvinder Singh.

In rejoinder, the learned Standing Counsel for the CBI submits that a stringent condition should be imposed upon the petitioner in case this Court were to permit him to travel abroad.

Undoubtedly, the right to travel is a fundamental right, but is not an absolute one. Considering the fact that the petitioner has been named in the aforementioned FIR, he cannot be allowed to travel abroad without imposing a stringent condition upon him. Therefore, the respondents

are directed to permit the petitioner to go abroad *i.e.*, to United Kingdom to visit his daughter, provided, he gives a personal bond of Rs.3 lakhs and two sureties for the same amount to the satisfaction of the Head of the Branch, C.B.I., (BS & FC), Bangalore, and also submits his complete travel plans including the addresses where he would be staying abroad during the course of his travel. He is further directed to submit an undertaking by way of an affidavit regarding his travel details, which shall be placed on record. The said affidavit shall be filed well in advance before he intends to travel abroad. A copy of such affidavit shall also be served upon respondent Nos.3 to 5.

With these directions, the writ petition stands disposed of.

As a sequel to disposal of the writ petition, Miscellaneous petitions, pending if any stand disposed of as infructuous.

(Raghvendra Singh Chauhan, ACJ)

Dt: 15th May, 2019
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