

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: February 14, 2019

+ CRL.M.C. 760/2019 and CrI.M.A. 3098/2019
CENTRAL BUREAU OF INVESTIGATION Petitioner
Through: Mr. Sanjeev Bhandari, SPP for
CBI with Mr. Prateek Kumar,
Advocate

Versus

MOIN AKHTAR QURESHI Respondent
Through: Mr. R.K. Handoo, Mr. Yoginder
Handoo and Mr. Aditya
Chaudhary, Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Petitioner has aggrieved by trial court's order of 1st February, 2019 vide which respondent has been allowed to travel abroad upon furnishing of FDR/Bank Guarantee of ₹2 Crores.

Learned Special Public Prosecutor for CBI draws the attention of this Court to order of 18th December, 2018 (*Annexure A-4*) of co-accused-*Pradeep*, vide which a Coordinate Bench of this Court has allowed the co-accused-*Pradeep* to travel abroad upon furnishing of FDR/Bank Guarantee of ₹6 Crores and so, it is submitted that on parity basis impugned order deserves to be modified while requiring respondent to furnish FDR/Bank Guarantee of ₹6 Crores.

On the contrary, learned counsel for respondent submits that condition of furnishing of FDR/Bank Guarantee of ₹2 Crores is

unjustified as liberty of an accused cannot be curtailed. It is submitted that respondent has filed an application before the trial court to reduce the FDR/Bank Guarantee amount from ₹2 Crores to ₹50,00,000/- as on earlier occasions, respondent has travelled abroad while furnishing FDR/Bank Guarantee of ₹50,00,000/-.

Upon hearing, on perusal of impugned order, order of 18th December, 2018 (*Annexure A-4*), reply of respondent and the material on record, I find that respondent was allowed to travel abroad earlier while furnishing FDR/Bank Guarantee of ₹50,00,000/- but to maintain parity with co-accused-*Pradeep*, respondent has to now furnishing FDR/Bank Guarantee of ₹6 Crores as the case of respondent and co-accused-*Pradeep* is said to be at par. In the reply filed by respondent it is not stated that respondent is not able to furnish the FDR/Bank Guarantee of ₹6 Crores.

In the facts and circumstances of this case, it deemed appropriate to put respondent at par with co-accused-*Pradeep*. Thus, impugned order of 1st February, 2019 is modified to enhance the FDR/Bank Guarantee amount from ₹2 Crores to ₹6 Crores.

With aforesaid modification, this petition and application are accordingly disposed of.

A copy of this order be given *dasti* to learned counsel for the parties under the signatures of Court Master.

(SUNIL GAUR)
JUDGE

FEBRUARY 14, 2019

p'ma