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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 24th January, 2019

+ CRL.M.C. 2719/2018

DINESH ANEJA

..... Petitioner

Through: Mr. Chirag Aneja, Advocate

Versus

STATE (GOVT. OF NCT OF DELHI) & ANR..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Sanjay Singh, PS
Ambedkar Nagar.
Mr. P.S. Singh, Senior Standing
Counsel for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioner is facing prosecution on charge of offences punishable under sections 376/328/506 of Indian Penal Code, 1860 (IPC), arising out of first information report (FIR) No.558/2016 of Police Station, Ambedkar Nagar. By order dated 21.12.2016, his request for anticipatory bail, by bail application No.2237/2016, was granted by a learned Single Judge of this court with suitable conditions as to bail bonds to be furnished being added, one of the conditions being that he would not leave the country without prior permission of the concerned court. It appears that on the basis of communication sent by the Registry, the Deputy Commissioner of

Police, FRRO (the second respondent) had issued a Look Out Circular No.2016429536 (LOC) in his respect, the instruction in said LOC being to the effect that his exit from India is to be allowed “*if permitted by court to travel*”.

2. The petitioner has availed of permission of the trial court to leave India on some occasions in the past. It is his submission that the issuance of LOC is a source of harassment, he having filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to pray for LOC to be recalled or, in the alternative, the conditions of prior permission to travel abroad to be set aside. It appears he had earlier approached the Metropolitan Magistrate and the court of sessions (by Criminal Revision Petition No.45/2018) but his requests to such effect were declined by orders dated 02.02.2018 and 12.02.2018.

3. In the given facts and circumstances, there is no good reason to modify the terms of the bail order granted on 21.12.2016. The issuance of LOC with clear instructions to above effect cannot be grudged as a source of harassment. There is no allegation that the concerned authorities have ever inhibited his travel abroad unreasonably. The language of the LOC is clear in that it is meant to be a check against the petitioner leaving India in breach of the conditions of bail. Since he admits that he would be obliged to take prior permission of the court before embarking on a foreign travel, all that he is required to show at the time of emigration from India is to show the court order.

4. The petition is dismissed.

R.K.GAUBA, J.

JANUARY 24, 2019/vk

