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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Order pronounced on 14.10.2022*

+ CRL.REV.P. 343/2021 & CRL.M.A. 17051/2021

CENTRAL BUREAU OF INVESTIGATION Petitioner

Through: Mr. Anil Grover, SPP for CBI with
Mr. Neeraj Bhardwaj & Ms. Mishal
Vij., Advocates.

versus

ABHISHEK VERMA & ANR. Respondents

Through: Mr. Maninder Singh, Senior
Advocate with Mr. Dinkar Takiar,
Ms. Aekta Vats, Mr. Vikram Kalra,
Mr. Akrsh Vashisht, Ms. Anshika
Batra and Mr. Jayant Bhatia,
Advocates for R-1 and R-2.

CORAM:
HON'BLE MR. JUSTICE TALWANT SINGH

Talwant Singh, J.:

1. The petitioner has filed this petition challenging the order dated 08.01.2021 passed by the learned Special Judge in case RC AC-1 2012 A0012 by which the learned Trial Court had waived the restrictions imposed on the movement of the respondents/accused by modifying the conditions of bail granted to respondent no.2 on 20.05.2016 and respondent no.1 on 27.09.2016 respectively.

1.1 It has been submitted that the matter is at the prosecution evidence stage. Both the respondents are also facing trial in connected matter being

RC AC-12012 A0011. It has been submitted that vide impugned order the learned Special Judge has allowed the accused persons to freely move without permission of the Court subject to the condition that they shall inform the court about their movement beyond NCR of Delhi and within India by giving details of their travel and itinerary.

1.2 The grounds raised in the petitions are that the impugned order is bad in law and is liable to be set aside as the bail order cannot be reviewed by any Court; the next ground is that both the accused persons are involved in several cases of highly sensitive nature, i.e., related to defence details and sensitive documents and unhindered liberty granted to them is not justified; initially they were granted bail with the condition that they shall not leave the territory of Delhi without prior permission of the Court; the said condition was modified on 17.04.2017 wherein they were allowed to travel within the limits of entire NCR of Delhi for the business and other personal purposes without seeking permission of the Court; in the second modification order dated 08.01.2021 the accused persons are not required to take permission to travel within India but they have to inform the Court about their movement beyond Delhi; Reliance has been placed on the judgment of the Hon'ble Supreme Court in *Abdul Basit @ Raju & Ors. etc. Md. Abdul Kadir Choudhary (2014) 10 SCC 754*.

1.3 It has been further submitted that there are reasonable apprehensions that the accused may misuse the liberty granted by the learned Trial Court. There is no requirement of physical presence/movement of the accused under the garb of performing business related activities; stringent conditions were imposed due to the gravity of the offences committed by them. Therefore, it has been prayed that order dated 08.01.2021 may be set aside.

2. Notice was issued. Response has been filed by the respondents. Objections have been raised regarding maintainability of the present petition on the ground that bail orders are interlocutory orders and hence a revision petition cannot be filed against the said orders.

2.1 It has been submitted that conduct of the present petitioners has been unblemished during the entire trial period and after they were released on bail, they have not violated any of the conditions of bail at any point of time.

3. Heard.

4. Both the respondents have undergone about 4 years of pre-trial incarceration in this case. They have complied with all the terms and conditions mentioned in the bail applications and they have never violated the said conditions at any point of time. Learned counsel for the petitioner has relied upon the judgment in the matter of *Abdul Basit @ Raju & Ors. etc. Md. Abdul Kadir Choudhary* (supra) wherein it was held that the Court, which has granted the bail has no power to review the same and set it aside, but in the said case bail was initially granted and later on cancelled. The relaxation of the conditions of bail does not fall within the ambit of cancellation or recalling the bail order and every Court is competent to relax the conditions of bail subject to the prevailing circumstances and in my considered view, the facts of the case in the matter of *Abdul Basit @ Raju & Ors. etc. Md. Abdul Kadir Choudhary* (supra) are quite different from the facts of the present case.

4.1 Another fact to be kept in mind is that out of 54 witnesses listed before the learned Trial Court, 42 witnesses have already been examined and rest of the witnesses are foreign nationals, so, if respondents have been allowed to visit different places in India after informing the learned Trial

Court, it does not give them the chance to influence the foreign nationals living in other countries of the world. Permission was granted by the learned Trial Court to respondents to travel in India in January, 2021 and they have not violated the said conditions.

4.2 It is also be kept in mind in another matter titled '*CBI vs. Kulbhushan Prashar & Ors.*' being RC/2A/06/ACU-IX/CBI, under the Officials Secrets Act, Respondent no.1 is granted bail by this Court on 30.05.2008 with the similar conditions and later on when the respondent no.1 had applied for waiver of the stringent conditions, this order was modified on 25.08.2011 allowing respondent no.1 to visit places outside Delhi and as and when he leaves the NCR, he has been ordered to submit his itinerary before the concerned Court.

5. The learned Trial Court has passed the impugned order on the same lines as has been passed by a co-ordinated bench of this Court and no fault can be found with the said order.

6. The revision petition is without any merit and the same is hereby dismissed.

TALWANT SINGH, J

OCTOBER 14, 2022/nk

Click here to check corrigendum, if any