



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

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Reserved on : 15.09.2023

Pronounced on : 03.10.2023

+ **CRL.M.C. 4230/2023**

VIKAS MALU

..... Petitioner

Through: Mr. Pradeep Jain and Mr. R.K.
Thakur, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.... Respondents

Through: Mr. Amit Ahlawat, APP for the State.
with Insp. Manjusha, P.S. R.K.Puram.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. The present petition U/s 482 Cr.P.C. has been filed by the petitioner with the following prayers:

- (i) *To issue necessary direction directing the return of the passport of petitioner which was ordered to be kept by the Ld. ASJ, Dwarka, New Delhi And To permit the petitioner to travel abroad without the condition of taking permission from court every time;*
- (ii) *To pass such other or order/s which this Hon'ble Court may deem fit and proper in the interest of justice.*

2. It is averred in the application that the wife of the petitioner lodged an FIR No. 525/2022 at P.S. Kapashera U/s 323/354/376/377/506/509/34 IPC



against the petitioner and his children on account of marital discord between them. It is further averred that the petitioner joined the investigation and vide order dated 28.01.2023, the petitioner was protected by the Ld. Trial Court and he was directed to join the investigation and to hand over the passport. On 10.02.2023 the Sessions Court dismissed the anticipatory bail application of the petitioner despite the fact that the petitioner continued to join the investigation and co-operated in the investigation. It is further averred in the application that the petitioner was admitted to anticipatory bail by this Court vide order dated 19.05.2023 and one of the condition imposed by this Court was that the petitioner shall not leave the country without the permission of the Trial Court.

3. It is argued by the Ld. counsel for the petitioner that the FIR is nothing but is a result of a matrimonial dispute between the petitioner and his wife with the sole purpose to extract money from him by implicating the young children of the petitioner in the false and frivolous case. It is submitted by the Ld. counsel for the petitioner that the petitioner is a business man having his business interests in India and Dubai and he has even got his family members in India as well as abroad. It is further submitted by the Ld. counsel for the petitioner that the petitioner is an Income Tax payee in India.

4. It is further submitted that since the petitioner has to travel abroad frequently, it would be cumbersome process for the petitioner and an additional burden on the judicial system wherein he shall be filing the applications for seeking the release of his passport every time he wishes to go abroad. It is further submitted that the petitioner be allowed to retain his



passport and conditions which the Court deems fit and proper may be imposed upon the petitioner.

5. The State has filed the Status Report and Ld. APP for the State has argued on the lines of the Status Report. It is submitted by the Ld. APP and Ld. counsel for the complainant that the petitioner is a flight risk as he has foreign citizenship of Vanuatu and runs business in Dubai. It is further submitted that in order to ensure the presence of the petitioner his passport may not be released.

6. In the instant case, the passport was released to the petitioner on 02.06.2023 as he wanted to travel to Dubai to meet his children and to attend his business interest. As per the status report, the petitioner has already handed over the original title deeds of his immovable property having mortgaged value of more than Rs. 50 Lakh. It is not denied that the petitioner is having his family in India as well as in Dubai and has also engaged in business in both the countries. The petitioner is also an Income Tax payee in India. It is also evident from the record that the petitioner has not misused the grant of permission for travelling abroad and has come back on time. There is nothing on record to show that the petitioner is a threat to the interest and security of the country or that his activities are in any way detrimental to the interest of the country.

7. The present case was registered against the petitioner and his children because of the matrimonial discord between the petitioner and his wife in which three children of the petitioner are also accused. The Status Report reveals that the petitioner has already joined the investigation and vide order



dated 19.05.2023 of this Court he has also been granted anticipatory bail. Therefore, in these facts and circumstances, the petitioner is permitted to retain his passport for a period of 12 months from the date of this order subject to the following condition:

- i) That the petitioner shall deposit the original sale deed of his property bearing No. 3909 Ward No. XIV, situated at Gali Barna, Sadar Bazar, Delhi of which market value is Rs. 50,00,000/- as per the Status Report with the Trial Court and if the original sale deed of the said property is lying with the Investigating Officer, the same shall be handed over to the petitioner in order to deposit the same with the Trial Court as it has not been specifically mentioned in the Status Report as to whether the original sale deed is lying with the IO or with the Trial Court.
 - ii) That the petitioner shall deposit the passport with the Ld. Trial Court on the completion of the above said period of 12 months.
 - iii) That the petitioner shall meticulously furnish his travel plans to the Ld. Trial Court at least 3 days before the date of his travel.
8. The application is disposed of on the above terms.

RAJNISH BHATNAGAR, J

OCTOBER 03, 2023

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