



\$~65

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

+ **W.P.(CRL) 1638/2024**

YEHIEL AMOS TOHAR

.....Petitioner

Through: Ms. Aayushi Gaur, Advocate.

versus

UNION OF INDIA THE F.R.R.O & ANR.Respondents

Through: Mr. Vinay Yadav, SPC, with Insp Satish Kumar, for respondent no.1/FRRO.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

%

02.08.2024

1. This petition has been filed seeking directions for the petitioner to be released from deportation camp situated at Lampur, Delhi.
2. The petitioner was acquitted in case no.: VIII/33/DZU/2019, P/S: NCB U/S: 20(b) (ii) (c) 15 & 23 NDPS Act by order dated 20th March, 2024.
3. Petitioner was directed to furnish bail bonds under Section 437-A Cr.P.C. in the sum of Rs. 25,000/- with one surety of like amount.
4. Subsequently, an application was moved by the petitioner to furnish cash surety *in lieu* of surety, since he was a foreign national and was not in a position to arrange for surety.
5. His application was allowed by Ld. ASJ on 03rd May, 2024 and he was directed to furnish bail bonds in the sum of Rs. 25,000/- and a cash surety of 25,000/- under Section 437A Cr.P.C.
6. However, the petitioner has been detained in the detention Centre at Lampur, despite these orders.
7. There was no direction to detain him in the detention centre. By order



dated 26th March, 2024, the ASJ had only directed the Jail Superintendent to produce him before the FRRO for deportation proceedings and directed to collect his passport for the purpose. Counsel for the FRRO states that the passport is with the FRRO.

8. The petitioner having complied with conditions imposed by the Court is entitled to be released.

9. Counsel for petitioner states that during the period of his release he shall be staying at 5119, 5127, Main Bazar Rd, Chabad house, Paharganj, New Delhi, Delhi 110055. He shall provide his phone number to the Superintendent of the Detention Centre.

10. Counsel for petitioner states on instructions that he will immediately apply for the visa with the FRRO, who shall consider his application expeditiously.

11. Counsel for FRRO states that they do not need to retain the physical copy of the passports, for the purposes of processing the visa; accordingly, the passports, after keeping due copies of the same, may be deposited with the Trial Court.

12. Counsel for FRRO states that in a situation where NCB appeal is either not filed or not admitted, petitioner will be liable for deportation and they will take steps immediately thereafter. In any other situation, the passport shall be returned to the petitioner along with applicable visa.

13. Considering the request of counsel for FRRO, petitioner is being released on the condition, that he must apply for visa within a period of 10 days. If not, FRRO will be at liberty to take steps in accordance with law.

14. Petition is disposed of with the above directions.

15. Copy of the order be given *dasti* under the Signature of the Court Master.

16. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 2, 2024/RK