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

+ **CRL.M.C. 5875/2023**

SANJAY GULATI

.....Petitioner

Through: Mr. Amish Aggarwala, Mr. Kuldeep Jauhari, Mr. Anubhav Tyagi, Ms. Antara Mishra, Mr. Aman Durga, Ms. Nikita Bhardwaj, Mr. Karan Ahuja, Ms. Manisha Yadav, Ms. Antara Mishra, Ms. Sashmita Tripathi Advocates.

versus

STATE (NCT OF DELHI) THROUGH SHO PS EOW SOUTH EAST DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for the State.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

22.10.2024

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1. The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter as 'CrPC') (now Section 528 of the BNSS) seeking the following reliefs:

i) Allow the present Petition and set aside the impugned order dated 15.04.2023 passed by District and Sessions Judge, South East District, Saket Courts, Delhi in Criminal Revision No. 537/2022, in so far as it does renew the passport of the Petitioner for 10 years that it still mandate that Petitioner was directed to give prior intimation to this Court before undertaking any travel outside the country.

ii) Pass any other orders as may be necessary as this Hon'ble Court may deem fit and proper in the interest of justice.



2. The petitioner is an accused in FIR bearing no. 86/2013 lodged under Section 420 of the Indian Penal Code, 1860 (hereinafter as 'IPC') r/w Section 66 of the Information Technology Act, 2000 (hereinafter as 'IT Act') for alleged data breach of the complainant company.
3. The petitioner was released on bail by the learned ASJ-04, South East, Saket Courts, New Delhi *vide* order dated 1st May, 2013.
4. In the year 2022, the petitioner applied for permission to get his passport renewed and the same was allowed by the learned Court below *vide* order dated 6th October, 2022, however, he was directed to intimate the Court before undertaking any travel outside the Country.
5. Subsequently, the petitioner challenged the order dated 6th October, 2022, however, the said conditions were not lifted.
6. Aggrieved by the same, the petitioner has preferred the instant petition.
7. The learned counsel for the petitioner submitted that the learned Court below erred in imposing an unreasonable restriction without taking into consideration that the charge sheet has still not been filed in the instant case.
8. It is submitted that there is no criminal trial pending against the petitioner and therefore, there is no reason to put such a condition on the petitioner.
9. It is submitted that the learned Court below failed to appreciate the principle of presumption of innocence is the crucial principle governing the criminal law and therefore, the impugned order is bad in law.



10. In view of the foregoing submissions, the learned counsel appearing on behalf of the petitioner submitted that the instant petition be allowed and impugned order be set aside.

11. *Per Contra*, the learned APP appearing on behalf of the state vehemently opposed the instant petition and submitted that the learned Court below rightly imposed the condition on the petitioner to inform the Court regarding any travel outside the country.

12. It is submitted that the petitioner is already outside the jail without any conditions being imposed on him, therefore, allowing him to travel abroad without any intimation would hamper the investigation, and therefore, the present petition being bereft of any merit may be dismissed.

13. Heard the learned counsel for the parties and perused the records.

14. The instant petition has been preferred to set aside the condition imposed by the learned Court below to intimate the Court if the petitioner undertakes to travel abroad.

15. It is discernible from the records that the FIR against the petitioner was lodged in relation to the alleged data breach by him, where the authorized previous employer of the petitioner had given a complaint regarding the alleged stealing of confidential data of the company.

16. In the said case, the petitioner was granted bail *vide* order dated 1st May, 2013 however, during the permission of renewal of his passport, the learned Court below imposed the above said condition *vide* order dated 6th October, 2022.

17. The relevant part of the said orders read as under:

Order dated 15th April, 2023



“Admittedly, till date no chargesheet has been filed before the learned Trial court. Accordingly, the impugned order dated 10.10.2022 is set aside only to the extent that instead of period of 5 years, it be read a “for a period of 10 years”. The rest of the conditions mentioned in the order of learned Trial court shall remain the same.

The revision petition is accordingly disposed of in terms thereof. However, State/Revisionist shall be at liberty to move an appropriate application before the learned Trial Court in case of change of any kind of the circumstance

Order dated 06.10.2022

I have heard the submissions accused/applicant and perused the record. The accused is on bail in this case. Therefore, this court has no objection if the Passport of the applicant Sanjay Gulati is issued/renewed by the concerned department for a period of five years. Accused/applicant is directed to give prior intimation to this Court before undertaking any travel outside the country. Needless to say, applicant/accused Sanjay Gulati shall remain bound by the conditions of the bail including obtaining prior permission for foreign visits, if directed in the bail Order.”

18. Upon perusal, it is made out that the petitioner’s application for extension of the tenure of his passport was duly allowed, however, he was directed to intimate the Court concerned before undertaking any travel.

19. The plain reading of the said order makes it clear that there is no harsh condition imposed by the learned Court below on the petitioner and the impugned condition is imposed to ensure that the authority concerned has the knowledge about the whereabouts of the petitioner accused.

20. It is clear that the bail, as well as the passport extension orders do not constitute any other conditions curtailing liberty of the petitioner herein,



therefore, this Court does not deem it appropriate to set aside the impugned order as the same does not suffer from any illegality.

21. Accordingly, the instant petition being bereft of any merit is dismissed, along with pending applications, if any.

CHANDRA DHARI SINGH, J

OCTOBER 22, 2024
NA/AV

[Click here to check corrigendum, if any](#)