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

+ **CRL.M.C. 5406/2024**

SANJAY JAIN

.....Petitioner

Through: Mr. Madhav Khurana, Ms. Trisha Mittal, Mr. Shaurya Singh, Mr. Sanjay Jain and Ms. Fathima, Advocates.

versus

ENFORCEMENT DIRECTORATE

.....Respondent

Through: Mr. Zoheb Hossain, Mr. Vivek Gurnani, Mr. Kartik Sabharwal and Mr. Ashish Ranjan, Advcoates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

09.08.2024

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1. The Petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the petitioner, seeking permission to travel to Russia between 12.08.2024 to 19.08.2024, for the purpose of Business Development and Meetings with the various manufacturers and suppliers. It is further submitted that the "Look Out Circular" that has been issued against the petitioner, be suspended at all ports of Entry and Exit in the country, during the period of the travel of the petitioner.

2. The Application is contested by the respondent *vide* their detailed Reply wherein it has the objection taken up that though the Regular Bail has been granted *vide* Order dated 07.03.2024, but the same is under challenge



before the Hon'ble Supreme Court of India, though no Notice till date, has been issued. It is further submitted that the cognizance has already been taken for the offences under PMLA and the case is at the stage of scrutiny of documents under Section 207 CrPC.

3. The main objection taken is that the brother of the petitioner, who is based in London, is absconding. It is further asserted that in case the petitioner is permitted to travel abroad, the trial before the learned Special Judge, shall be hampered. There is also an apprehension that the petitioner may not return to face the trial. He is a flight risk.

4. Learned counsel for the respondent has clarified that there is no LOC, which has been opened against the petitioner.

5. **Submissions heard.**

6. It is not in dispute that the petitioner has been granted Regular bail *vide* Order dated 07.03.2024 and that he has been appearing before the learned Special Judge where the trial for the offence under PMLA is pending. The case is at the stage of scrutiny and supply of documents under Section 207 CrPC. The petitioner is seeking permission to travel only between 12.08.2024 to 19.08.2024 and it is difficult to comprehend how seven days travel would obstruct or delay the trial before the learned Special Judge.

7. The other ground which has been stated is that the brother of the petitioner is absconding and is based in London. This cannot be held as a valid ground to penalize or restrain the petitioner for the conduct of his brother.

8. The petitioner has placed on record the Invite Receipts from the various Companies based in Russia. Considering the e-mail invites and that



petitioner needs to meet the foreign based Companies for the purpose of his business, the Application is allowed and the petitioner is permitted to travel to Russia between 12.08.2024 to 19.08.2024.

9. The travel is permitted subject to the following conditions:

- (i) that the petitioner shall furnish the detailed addresses of the persons from whom he has an invite and whom he intends to meet.
- (ii) that the petitioner shall furnish the details of air-ticket, stay, where he intends to reside in Russia and his contact number along with itinerary with the Investigating Officer.
- (iii) that the petitioner shall furnish a surety in the amount of Rs. 5,00,000/- by way of FDR before the Trial Court.
- (iv) that the petitioner shall not alienate any movable or immovable assets belonging to him or to persons related to him, during his period of travel.
- (v) that the petitioner undertakes that he would strictly abide by the time frame and would return on 19.08.2024.

10. In view of above, the permission is granted to the petitioner to travel to Russia for business purposes.

11. The Petition is disposed of.

12. A copy of this order be communicated to the concerned learned Trial Court for information and compliance.

NEENA BANSAL KRISHNA, J

AUGUST 9, 2024/RS