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

+ **CRL.M.C. 5805/2024**

**MOHAMMAD AFZAL SHEIKH**

.....Petitioner

Through: Mr. Pranaynath Jha and Mr. Pratap  
Singh Rawat, Advocates.

versus

**THE STATE OF NCT OF DELHI**

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the  
State with Mr. Robin Thapliyal, Mr.  
Sumit Khokher, Ms. Vidhi Jindal, Ms.  
Shruti Goyal, Mr. Prabhanjan Pratap,  
Ms. Nanda Prasad and Ms. Tanshi  
Arora, Advocates and with SI  
Sanjeev, PS Chanakyapuri.

**CORAM:**

**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**ORDER**

**30.07.2024**

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**CRL.M.A. 22197/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

**CRL.M.A. 22198/2024**

An application under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') read with Section 5 of Limitation Act has been preferred on behalf of the petitioner for condonation of delay of 21 days in re-filing the petition.

For the reasons stated in the application, delay of 21 days in re-filing the petition is condoned.



Application is accordingly disposed of.

**CRL.M.C. 5805/2024**

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for setting aside order dated 10.05.2024 passed by the learned MM whereby petitioner was permitted to travel abroad imposing onerous conditions and without considering the conditions imposed vide order dated 31.10.2022 as directed vide order dated 23.04.2024 passed in Revision Petition No. 49/2024.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. Learned counsel for the petitioner submits that vide order dated 12.02.2024, permission to travel abroad was initially declined by learned MM which was allowed by the learned Revisional Court vide order dated 23.04.2024. He further submits that vide order dated 10.05.2024, petitioner has been permitted to travel abroad by learned MM but the conditions imposed are onerous ignoring the fact that vide order dated 31.10.2022, petitioner was permitted to travel to Bangladesh merely on furnishing an Indemnity Bond to the tune of Rs. 50,000/- alongwith FDR and surety bond of Rs. 50,000/-. He further submits that considering onerous conditions imposed vide impugned order dated 10.05.2024, petitioner has not been able to travel. The impugned order is further stated to be a case of judicial impropriety, since in para 15 of the order dated 23.04.2024 while setting aside order dated 12.02.2024, it was observed by learned Additional Sessions Judge that conditions imposed vide order dated 31.10.2022 be considered though the learned MM was at liberty to impose the conditions.
4. Learned APP for the State fairly admits that petitioner on earlier



occasion had not misused the liberty to travel abroad and is an embassy official.

5. Considering the totality of facts and circumstances, on the face of record, learned MM has erred in imposing onerous conditions and ignoring the conditions earlier imposed vide order dated 31.10.2022, despite directions by learned Appellate Court to consider the same.

Petitioner is accordingly permitted to travel in terms of conditions imposed vide order dated 31.10.2022. As pointed out by learned counsel for the petitioner, since the petitioner was earlier required to travel in the month of May 2024, a fresh itinerary shall be placed before the learned Trial Court with copy to Investigating Agency for undertaking the travel, at the time of furnishing the bonds in terms of conditions imposed vide order dated 31.10.2022.

Petition is accordingly disposed of.

A copy of this order be forwarded to learned Trial Court for information and compliance.

**ANOOP KUMAR MENDIRATTA, J**

**JULY 30, 2024**

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