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

+ **CRL.M.C. 6876/2024**

SIDHHARTH MUKESH
BHANDARI

.....Petitioner

Through: Mr. Narender Singh
Yadav, Mr. Manu Prakash
Upadhyay & Mr.
Ashutosh Yadav, Advs.

versus

STATE NCT OF DELHI THROUGH SHO POLICE
STATION LODHI COLONY
SOUTH DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State
SI Satyam Pandey, PS-
Lodhi Colony
Mr. Sourabh Soni & Mr.
Savjeet Kumar Thakur,
Advs. for complainant

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
07.10.2024

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1. By the present petition, the petitioner seeks release of passport and permission to travel to Canada.
2. The petitioner was admitted on bail by order dated 08.09.2022. The petitioner was directed not to leave India without the permission of this Court.
3. It is pointed out that the petitioner had, on an earlier occasion, also filed an application seeking permission to travel which was dismissed by the order dated 19.05.2023 passed by a coordinate Bench of this Court.
4. The learned Additional Public Prosecutor ('APP') for the



State submits that the petitioner has concealed the said fact and has filed the present petition.

5. An affidavit has been filed by the petitioner seeking an unconditional apology for the mistake for not stating the said fact in the present petition.

6. It is stated that the petitioner, on an earlier occasion, had sought permission to travel on the ground that he was required to travel for business purposes in the capacity of a Promoter and Ex-Director of the company for meeting the financial institutions.

7. The learned counsel for the petitioner submits that the present application has been filed on a totally different ground and the petitioner was of the *bona fide* belief that the fact that the application on an earlier occasion, was dismissed, is not relevant.

8. This Court is of the opinion that dismissal of an application filed by the petitioner on an earlier occasion seeking permission to travel is a relevant important fact which should have been disclosed in the present application. However, considering the affidavit by which the petitioner seeks unconditional apology, this Court considers it apposite to entertain the present petition and dispose it of on merits.

9. The learned counsel for the petitioner submits that in order to show his *bona fide*, the father of the petitioner would deposit the title deeds of the property bearing no. A-1, Skylark Apartment Satellite, Ahmedabad which is owned by the applicant's father as a security and will not claim the same, till such time, the applicant returns to India. He submits that the value of the property is more than ₹3 crores.

10. This Court, by order dated 08.09.2022, had admitted the petitioner on bail, noting that there is no reasonable apprehension



of the accused to tamper with evidence or to influence the witness.

11. This Court also noted that the petitioner is a permanent resident of the State of Gujarat having movable and immovable properties and cannot be expected to flee from justice. It was further held that the dispute predominantly related to the control over a company.

12. On being pointedly asked, the learned APP for the State submits that the chargesheet is yet to be filed in the present case and the investigation is still not complete. The accused, in such circumstances, cannot be expected to not travel.

13. The reason for travel as stated in the present petition is that the cousin sister of the petitioner is pregnant and is expected to deliver a child soon and she is a resident of Canada.

14. Though the learned APP for the State and the learned counsel for the complainant state that the presence of the petitioner is not required for the delivery of the cousin sister, however, in the opinion of this Court, when this Court, while admitting the petitioner on bail, had already noted that the petitioner being permanent resident of the State of Gujarat having movable and immovable properties is not expected to flee from justice, the prayer to travel ought not to be rejected.

15. In view of the above, the present petition is allowed and the concerned Investigating Officer is directed to release the passport of the petitioner and the petitioner is permitted to travel to Canada for a period of two weeks subject to the following conditions:

(i) The petitioner shall file an affidavit in the present proceedings stating the complete itinerary of his stay and travel in Canada; The same be also filed before the



Registrar General by way of an affidavit.

- (ii) The petitioner is directed to file an undertaking, as noted in Paragraph 9 above, in the form of an affidavit and deposit the original title deeds of the property bearing no. A-1, Skylark Apartment Satellite, Ahmedabad.
- (iii) The petitioner is directed to not seek an extension of his stay in Canada and is directed to participate in the investigations as and when called by the IO.
- (iv) The petitioner shall also file an undertaking that he shall adhere to the itinerary mentioned in the affidavit and not visit any other stations;
- (v) The petitioner shall also file a requisite undertaking before the Registrar General of this Court that he shall return to the country not later than 28.10.2024;
- (vi) The petitioner shall state in the affidavit that he holds only Indian citizenship and he shall also therewith mention his passport number;
- (vii) The petitioner shall state in the affidavit the cell phone number on which he may be contacted at any time, and shall ensure that the phone is kept switched on at all times;
- (viii) Upon returning to India the petitioner shall inform the concerned SHO of the same in writing within 72 hours of his return.

AMIT MAHAJAN, J

OCTOBER 7, 2024

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