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

+ **CRL.M.C. 213/2025**

GORAV GUPTA

.....Petitioner

Through: Mr. Sunil Dalal, Sr. Advocate with
Mr. Suresh Chaudhary, Mr. Rajiv
Singh, Mr. Sandeep Sharma, Mr.
Nikhil Beniwal, Ms. Shipra Bali, Ms.
Riya Rana, Mr. Kunal Singhal & Mr.
M.K. Kardam, Advocates.

versus

**DIRECTORATE GENERAL OF GST INTELLIGENCE (DGGI),
DELHI**

.....Respondent

Through: Mr. Harpreet Singh, Sr. Standing
Counsel.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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16.01.2025

CRL.M.A. 1142/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The Application is disposed of.

CRL.M.C. 213/2025

3. The present Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner seeking modification of the condition in the Bail Order dated 07.07.2022 passed by the learned Trial Court *vide* which the Petitioner has been admitted to Anticipatory Bail.
4. It is submitted that while granting the Anticipatory Bail to the



Petitioner *vide* Order dated 07.07.2022, the condition was imposed that he shall surrender his Passport before the Investigating Officer/Apprehending Authority and under no circumstances leave India without prior permission of the Investigating Officer/Appending Authority. However, the said condition was modified by this Court *vide* Order dated 20.12.2023 and the Petitioner was directed to seek prior permission of the Trial Court before travelling aboard.

5. The Petitioner moved the Petition bearing No. CRL.M.C. 9400/2023 under Section 482 of the Code of Criminal Procedure, 1973 seeking modification of this bail condition to seek prior permission of the Trial Court before traveling abroad. This Court *vide* Order dated 15.04.2024 modified the said Bail condition to the extent that instead of obtaining the prior permission of the Trial Court as mentioned in condition (i) of Paragraph-5 of the Bail Order, prior permission of the concerned learned Chief Metropolitan Magistrate, Patiala House Courts, New Delhi where the complaint is to be filed, shall be obtained.

6. It is submitted that the Show Cause Notice was issued under Sections 122(3)/122(1A) of the CGST Act, 2017 to the Petitioner, which has now been finally adjudicated *vide* Order dated 27.08.2024 by the Joint Commissioner, CGST, Delhi wherein no criminal prosecution has been recommended or initiated against the Petitioner.

7. It is further submitted that since there is no Complaint intended to be filed before the learned CJM, the conditions imposed in the Anticipatory Bail Order dated 07.07.2022, including limitation on the Petitioner's movement or travel abroad only with the permission of learned CJM or to vacate the Anticipatory Bail Order dated 07.07.2022, enabling the Petitioner



to exercise his Fundamental Right of freedom of movement.

8. ***Issue notice.***

9. Mr. Harpreet Singh, learned Senior Standing Counsel appearing on advance Notice, accepts Notice on behalf of the Respondent and submits that though the Application has already been preferred in the Department for filing of the Complaint against the Petitioner the condition may be modified and Petitioner may be directed to intimate the Department every time when he travels abroad.

10. **Submissions heard.**

11. In view of the submissions made, the condition imposed *vide* Order dated 20.12.2023 is modified to the extent that instead of seeking prior permission of the learned CJM/Trial Court, the Petitioner shall intimate the Department/Respondent about his travel and shall furnish his contact number and address where he intends to reside.

12. Accordingly, the present Petition is disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 16, 2025

S.Sharma