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

+ **CRL.M.C. 2254/2025**

SHAILESH ASTHANAPetitioner

Through: **Mr. Ramit Malhotra, Advocate.**

versus

STATE (NCT OF DELHI)Respondent

Through: **Mr. Utkarsh, APP for State with SI
Suraj, P.S.Hauz Khas.**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

03.04.2025

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CRL.M.A. 10074-75/2025 (Seeking Exemption)

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

CRL.M.C. 2254/2025

1. Petition under Section 528 BNSS has been filed for modification of the bail condition imposed *vide* Order dated 06.03.2018 in regard to surrender of passport.
2. It is submitted that in the present FIR No.106/2017, Petitioner was arrested on 14.01.2018. He was granted interim bail *vide* Order dated 06.03.2018 and one of the conditions imposed was that he shall surrender his passport before the Trial Court/MM/Duty MM/SHO concerned. The interim bail Order was made absolute by learned ASJ *vide* Order dated 22.03.2018 but the Chargesheet got filed and the charges were framed on 15.03.2022, since when the trial is ongoing.



3. Petitioner is an Inbound Travel Operator running his business in the name of Asia Travel and Tour Pvt Ltd. He frequently travels abroad for business and often on short notice. Every time he has to travel, he has to approach the Court for release of passport and complete other formalities as may be directed by the Court. Till date 10-11 Applications have been filed for release of passport with permission to go abroad, out of which 7 have been made after the Bail Order was made absolute.

4. A Revision Petition was filed by the Petitioner for modification of the bail condition but the learned ASJ dismissed the same *vide* Order dated 13.03.2019 by observing that no prayer for recall or surrender of passport was made.

5. It is submitted that considering the inordinate delay in trial and that every time the Petitioner has to travel abroad, he has to take permission of the Court and that he has abided by all the terms and conditions, the said condition which has become onerous over a period of time, may be modified suitably. Reliance has been placed on Anila Bhatia vs. State of Punjab, MANU/PH/1515/2018 and Suresh Nanda vs. CBI, MANU/SC/7020/008.

6. Learned Public Prosecutor has submitted that in the changed circumstances since 2018-2019 the Petitioner should have approached the learned Trial Court for modification of the bail condition.

7. **Submissions heard and record perused.**

8. The bail condition had been imposed while making the interim bail Order absolute on 22.03.2018 whereby it was directed that the Petitioner shall surrender the Passport before the Trial Court.



9. It cannot be overlooked that the trial has been going on since 2021 and that the Petitioner has every time abided the terms for release of the Passport and he has never violated any of the conditions. Having regard to he being a tour and travel operator who has to frequently travel abroad, the bail condition is modified to the extent that the Passport be returned to the Petitioner. However, he shall submit a detailed itinerary along with his place of contact and mobile number to the Trial Court and the SHO, concerned Police Station at least three days before his intended travel.

10. Petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

APRIL 3, 2025

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