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

+ **CRL.M.C. 2556/2025**

ANH THE PHAM

.....Petitioner

Through: Mr. Aamir Chaudhary, Adv.
versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Rahul, P.S. IGI Airport.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **17.04.2025**

1. This hearing has been done through hybrid mode.

CRL.M.A. 11452/2025 (Exemption)

2. Exemption allowed, subject to all just exceptions. The application stands disposed of.

CRL.M.C. 2556/2025

3. The present petition under Section 528 of the BNSS seeks the following prayers: -

- “a) Pass an Order setting aside the order dt. 04.04.2025 passed by the Ld. Sessions Judge, Tis Hazari Courts, District Central Delhi in Crl. Rev. No. 144/2025 and setting aside the order dt. 19.03.2025 passed by the Ld. ACJM, (Special Court), Tis Hazari Courts, District Central, Delhi and relax/reduce the amount/conditions imposed on the petitioner imposed on release of passport and permission to travel; and/or
b) Pass such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and thereby render justice.”

4. Learned counsel appearing on behalf of the petitioner submits that *vide* order dated 19.03.2025, the learned ACJM allowed the application filed by



the present petitioner for release of the passport and permission to travel abroad on the various conditions, of which, it is submitted that that the condition for furnishing FDR of Rs. 10 Lakh in the name of learned Principal & Sessions Judge is unreasonable in the facts and circumstances of the present case. It is further submitted that the said amount may be reduced and the FDR may be allowed to be submitted by someone else on his behalf as being a foreigner he will not be able to open an account for creating FDR.

5. Issue notice.

6. Learned APP for the State accepts notice. She submits that investigation in the present FIR is continuing, and therefore, the condition imposed on the applicant/petitioner is reasonable and should not be modified.

7. Heard learned counsel for the parties and perused the records.

8. The present FIR has been registered on the seizure of approximately 60 kg tail feathers of peacock which, as per the case of the prosecution, would be a “scheduled animal article” as defined under Section 49A (b) of Wild Life Protection Act, 1972. Learned APP for the State has submitted that the investigation whether the said feathers were extracted by way of hunting or otherwise is still pending. The petitioner is a resident of Vietnam and was granted bail *vide* order dated 24.02.2025. The application seeking release of the passport of the petitioner as well as permission to travel abroad was allowed by the learned ACMM on certain conditions.

9. In totality of the facts and circumstances, the condition requiring furnishing of FDR of Rs. 10 Lakh in the name of Learned Principal & Sessions Judge (Headquarters) as security is modified to the extent that the petitioner will provide a surety to the tune of Rs. 3 Lakh to the satisfaction of the Learned Trial Court supported by way of FDR for the purpose of his



travelling abroad. The order dated 19.03.2025 passed by learned ACJM is modified to the aforesaid accordingly.

10. It is clarified that the other conditions imposed *vide* order dated 19.03.2025 passed by learned ACJM will remain the same.

11. The present petition is disposed of accordingly.

12. Copy of the order be sent to the concerned Court for necessary information and compliance.

13. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 17, 2025/nk/ns

Click here to check corrigendum, if any