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

+ CRL.M.C. 10077/2024

SHAHNAZ BEG

.....Petitioner

Through: Mr. R.K. Handoo & Mr. Aditya
Chaudhary, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the
State with SI Pritosh Rathee

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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15.01.2025

1. The present petition has been filed seeking following relief:

- a. *Set aside the condition of depositing FDR of Rs. 1 Crore for availing the permission to travel abroad, as directed by Ld. CJM, Patiala House Court in FIR no. 102/2017 (CC no. 5359/2022); and*
- b. *Reinstate the condition as laid in order dated 21.03.2024 of FDR of Rs. 2 Lakh.*

2. Learned counsel for the petitioner submits that the learned trial court while allowing the application of the petitioner to travel abroad has *vide* impugned order dated 16.12.2024, imposed an onerous condition to the effect that the applicant shall furnish an FDR in the sum of Rs. 1 crore to protect the interests of the complainant.

3. He submits that such a condition, in fact, tantamount to denying the permission, in as much as, the petitioner does not have wherewithal to deposit that much amount in the form of an FDR. He further submits that on



an earlier occasion a similar application of the petitioner was allowed by the learned MM-01, Patiala House Courts, New Delhi *vide* order dated 21.03.2024 when a condition was imposed only to the effect that the petitioner shall furnish an FDR in the sum of Rs. 2 lakhs only. He submits that the petitioner availed the said opportunity to travel abroad and did not misuse the same.

4. He further invites the attention of the Court to the chargesheet filed by the police to contend that the petitioner has always cooperated with the investigation and her role has also been investigated but she has not been found to be the signatory on any of the cheques in question.

5. *Per contra*, the learned APP appearing for the State opposes the prayer on the ground that the son of the petitioner, namely - Faiz Beg, who is co-accused is an absconder. He submits that the said son of the petitioner is also a Director in the same company in which the petitioner is a Director.

6. I have heard the learned counsel for the petitioner as well as the learned APP for the State.

7. It is not in dispute that on an earlier occasion, the learned MM had granted permission to the present petitioner to travel abroad subject to the condition that she shall furnish an FDR in the sum of Rs. 2 lakhs. At that time when such permission was granted on 21.03.2024, the factual position was no different, in as much as the petitioner's son was absconder at that time as well.

8. It is also not in dispute that the petitioner had gone abroad and she came back to India and during the period of her travel, she never misused any of the conditions on which she was allowed to travel.

9. It is also borne out from the chargesheet that the petitioner duly joined



the investigation and her role has been investigated.

10. In view of the above, this Court is of the view that the condition imposed by the learned Chief Judicial Magistrate, Patiala House Courts, New Delhi in the impugned order to the effect that the petitioner shall furnish an FDR in the sum of Rs. 1 crore appears to be onerous.

11. Accordingly, the said condition is modified and the amount of FDR to be furnished by the petitioner is reduced to Rs.10 lakhs. However, the other conditions in the order dated 16.12.2024 will remain unchanged.

12. With the aforesaid modification, the petition stands disposed of.

13. Order *dasti* under the signature of Court Master.

VIKAS MAHAJAN, J

JANUARY 15, 2025
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