Anita Rana vs. State of H.P.

Cr. M.P.(M) No. 4657 of 2026 in
Cr.M.P.(M) No. 605 of 2025

2.11.2026 Present: Mr. Ram Murti Bisht and Ms. Kanta Thakur, Advocates, for the applicant.

Mr. H.S. Rawat and Mr. Mohinder Zharaick, Addl. A.Gs, for respondent No. 1.

Mr. Arsh Chauhan, Advocate, for the complainant.

By way of present application, indulgence of this Court has been sought to permit the applicant to leave India, in relaxation to the conditions imposed, by this Court, while deciding Cr.M.P. (M) No. 603 of 2025 and connected matters, on 2nd May, 2025.

2. Vide order, dated 2nd May, 2025, the application, filed by the applicant, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), bearing Cr.MP (M) No. 604 of 2025, was allowed, by this Court and the following conditions were imposed, on the applicant:

> *a) That the applicants shall join the investigation of the case, as and when, called for, by the Investigating Officer, in accordance with law;*
>
> *b) That the applicants shall not leave India, without prior permission of the Court;*
>
> *c) That the applicants shall not directly or indirectly, make any inducement, threat or promise to any person, acquainted with the facts of the case, so as to dissuade him/her*

from disclosing such facts to the Investigating Officer or the Court; and

d) That the applicants shall make themselves available for the purpose of interrogation, if so required and regularly attend the trial Court, on each and every date of hearing and if prevented by any reason to do so seek exemption from appearance by filing appropriate application.

3. Now, by way of present application, condition No. (b), as contained in order, dated 2nd May, 2025 (supra), has been sought to be relaxed, on the ground, that in connection with her business meeting, the applicant intends to visit Czech Republic, w.e.f. 11.11.2026 to 26.11.2026.

4. In view of the above, in order to fulfill her professional obligations, the applicant has sought the permission of this Court to leave the country.

5. The applicant has given an undertaking to comply with all the other conditions, imposed by this Court, while deciding CrMP (M) No. 603 of 2025 and connected matters, vide order, dated 2nd May, 2025.

6. On the basis of the above facts, a prayer has been made to allow the application.

7. When put to notice, although, status report has been filed, but the same is totally silent about the objections/non-objections to the prayer, so made.

8. Heard.

9. In **Maneka Gandhi versus Union of India and another,** reported in **(1978) 1 Supreme Court Cases 248,** the Hon'ble Supreme Court has held that no person can be deprived of his right to go abroad, unless, there is a law enabling the State prescribing the procedure for so depriving him. Relevant portion of para-5 of the said judgment, reads as under:

> *"5. .....Thus, no person can be deprived of his right to go abroad unless there is a law made by the State prescribing the procedure for so depriving him and the deprivation is effected strictly in accordance with such procedure. It was for this reason, in order to comply with the requirement of Article 21, that Parliament enacted the Passports Act, 1967 for regulating the right to go abroad. It is clear from the provisions of the Passports Act, 1967 that it lays down the circumstances under which a passport may be issued or refused or cancelled or impounded and also prescribes a procedure for doing so, but the question is whether that is sufficient enough or must the procedure comply with any particular requirements? Obviously, the procedure cannot be arbitrary, unfair or unreasonable. This indeed was conceded by the learned Attorney General who with his usual candour frankly stated that it was not possible for him to contend that any procedure howsoever arbitrary, oppressive or unjust may be prescribed by the law. ....."*

10. Right to travel abroad has been held to be basic human right, by the Hon'ble Supreme Court, in **Satish Chandra Verma versus Union of India,** 2019

SCC OnLine SC 2048. Relevant para-5 of the said judgment, is reproduced, as under:

> *"5. The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship are humanities which can be rarely affected through refusal of freedom to go abroad and clearly show that this freedom is a genuine human right."*

11. Similar view has again been taken by the Hon'ble Supreme Court in **Parvez Noordin Lokhandwalia versus State of Maharashtra,** (2020) 10 Supreme Court Cases 77.

12. If the facts and circumstances of the present case are seen in the light of the aforesaid decisions of the Hon'ble Supreme Court, then, in the considered opinion of this Court, the applicant is able to make out a case, in his favour.

13. So far as the apprehensions, which have been expressed by the police, as well as, the complainant, reasonable conditions can be imposed upon the applicant.

14. Consequently, the application, under consideration, is allowed. The permission, as sought, in the application is granted and condition No. (b), as

contained in para 9 of order, dated 2nd May, 2025, passed by this Court, in CrMP (M) No. 603 of 2025 and connected matters, is substituted with the following conditions:

> *b(i). That the applicant shall furnish a personal bond, in the sum of ₹ 6,00,000/-, with one surety of the like amount, to the satisfaction of the learned trial Court, by giving an undertaking to return back after expiry of the visa to the said place;*
>
> *b(ii). That the applicant will not visit any other country, except, for which, the permission has been granted by this Court;*
>
> *b(iii) The applicant will report back to learned trial Court, on 30.11.2026.*

15. Any of the observations, made hereinabove, shall not be taken as an expression of opinion, on the merits of the case, as, these observations, are confined, only, to the disposal of the present application.

16. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the conditions, is found violated by the applicant.

17. The application is disposed of, in above terms.

(Virender Singh)
Judge

November 2, 2026
(kalpana)