

04.11.2023

**This is an application filed on behalf of A-20/applicant
Ajay Kapur seeking permission to travel abroad.**

Present : Shri Arun Khatri, Ld. Special PP for ED.

Shri Anil Kumar Bhatia, Ld. counsel for accused A-20 Ajay
Kapur.

1 By way of present application, the applicant/accused No. 20
Ajay Kapur seeks permission of this court to travel to Portugal from
13.11.2023 to 23.11.2023 for urgent business dealing.

2 No reply has been filed by ED to the application moved on
behalf of A-20 Ajay Kapur for permission to travel abroad. It is orally
stated by Ld. Special PP for ED that he does not want to file any formal
reply to the said application, however he strongly opposed the application
and prayed for dismissal.

3 Arguments heard on the above application.

4 It is stated in the application that the applicant is a
businessman and operating from Delhi and he has to travel to other parts
of India as well as foreign due to business purposes. It is further stated
that applicant is also Manager/Director of Modern Public School,
Shalimar Bagh, Delhi.

5 It is further stated that applicant is travelling to Portugal for
urgent business dealing from 13.11.2023 to 23.11.2023 and he has already
purchased air tickets. It is further submitted that the applicant has been
granted bail vide order dated 18.02.2021 and he has been duly complying
with the bail conditions and other conditions imposed by the court.

6 It is stated that earlier this court had allowed the applicant to
travel to Phuket from 25.08.2023 to 29.08.2023 and to Baku (Azerbaijan)

from 01.10.2023 to 05.10.2023 and he has not misused the liberty. It is further stated that the documents relied upon by the ED are already on the judicial record and there is no possibility of the applicant to tamper with the evidence or influence the witnesses, therefore, permission be granted to the applicant to travel abroad to Portugal from 13.11.2023 to 23.11.2023.

7 I have heard the rival contentions of Ld. PP for ED and ld. counsel for the applicant/accused and also gone through the records.

8 It is not disputed that investigation in this case has already been complete and the substantial evidence is of documentary nature and accused is also stated to have cooperated during the investigations, as mentioned in his application. Therefore, there are no chances of tampering with the evidence or influencing the witnesses. It is also not disputed that earlier this court had allowed the applicant to travel Phuket from 25.08.2023 to 29.08.2023 and to Baku (Azerbaijan) from 01.10.2023 to 05.10.2023 and he had not misused the liberty.

9 In view of the abovesaid facts and circumstances, applicant/accused Ajay Kapur is permitted to travel abroad to Portugal for business dealing for a period w.e.f. 13.11.2023 to 23.11.2023 subject to the following conditions:

- **Accused shall furnish security in the form of FDR/bank guarantee for a sum of Rs. 20 Lakhs (Twenty Lakhs only) in the name of Court i.e. Ld. Principal District & Sessions Judge-cum-Special Judge, CBI, (PC Act), Rouse Avenue District Courts, New Delhi along with one surety bond of Rs. 20 Lakhs (Twenty Lakhs only) to the satisfaction of Court**
- **He shall inform the Court of his arrival in India from Portugal.**
- **In any eventuality, accused will not request for extension for staying abroad.**

- He shall neither tamper with the evidence nor try to influence any witness in any manner and will not use the permission granted to him contrary to the rules.
- This permission shall be subject to other applicable rules and will not be deemed as directions to any other authority except the permission from the side of the court.
- He will submit the address of his stay in Portugal along with telephone/contact numbers and e-mail address/s. He will also file his schedule of travel to Portugal at the time of submitting FDR / bank guarantee / surety bond, as above.
- His surety / Ld. Counsel will undertake to accept notice(s), if any, on behalf of the accused in his absence.
- He will not create any third party interest in any of his immovable properties situated in India or abroad without permission of the court during this period.
- Neither he nor his counsel will object to the carrying of the trial / inquiry during the absence of accused A-20.
- In case of any of the above conditions are violated, the bank guarantee/FDR / surety bond amount shall be forfeited to the State.

10 The above application is disposed off accordingly.

11 Copy of this order be given dasti to both sides as prayed.

(Rakesh Kumar-III)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/04.11.2023