

IN THE COURT OF SHRI HASAN ANZAR,
SPECIAL JUDGE, PC ACT (CBI-03),
ROUSE AVENUE DISTRICT COURT, NEW DELHI

Complaint Case No. 11/2020
IA No. 15/2024
Enforcement Directorate (ED) Vs. Jagmohan Kejriwal & Ors.
(Application of applicant/accused Ankur Agarwal)
ECIR 10DZ-1/2017
CNR : DLCT11-000286-2020

22.07.2024

ORDER

1. This is an application filed on behalf of A-24 Ankur Agarwal for permission to travel abroad to USA from 03.08.2024 to 11.08.2024. It is stated in the application that applicant Ankur Agarwal is a businessman and operating from Noida having factory of furniture etc. and he has to travel frequently from other parts of India as well as foreign due to his business purposes. It is also stated that applicant intends to visit USA to attend IWF Exhibition at Atlanta. It is further stated that applicant is 52 years old, belongs to a respectable family and is a peace loving and law-abiding citizen having permanent resident of House No. C-8, Sector-26, Noida, UP. It is further stated that applicant has clean image and doing his business honestly since last 31 years and there is no apprehension of the applicant absconding or tampering with the evidence. It is stated that earlier also, the applicant has been granted permission to visit foreign countries several times for business

tours and he has never mis-used the liberty. It is stated that no prejudice would be caused to the ED in case the application of the applicant is allowed, and applicant undertakes to abide by all terms and conditions imposed by the court.

2. The application is opposed by the Enforcement Department by relying upon the detailed reply filed by it. The reply in question apart from detailing the manner in which the offence is stated to have been committed stresses on the fact that there is an evidence to show that applicant is involved in the commission of offence. It is averred that if the application is permitted to travel abroad, there exists reasonable apprehension that grave prejudice will be caused to the effective trial of the case and therefore, the application is liable to be dismissed.

3. I have considered the submissions made on behalf of both the sides. Perusal of the record indicates that applicant/accused Ankur Agarwal was granted permission to travel abroad number of times and no fact or events had been disclosed either in the reply or during the submissions that applicant has violated any condition qua the permission to travel abroad. The applicant has sufficiently detailed the reasons in respect of his presence at Atlanta, USA and moreover, the record shows that except for the mere apprehension, there is no material on record to indicate that applicant shall flee from justice or shall not make himself available for the proceedings/trial.

4. Considering the totality of the facts and circumstances, the present application is allowed and the applicant Ankur Agarwal is permitted to travel abroad USA from 03.08.2024 to 11.08.2024 subject to the following conditions :

- a) Applicant/A-24 Ankur Agarwal shall furnish security in the form of FDR/Bank Guarantee for a sum of Rs.20 Lakhs in the name of the court i.e. Ld. Principal District & Sessions Judge-cum-Special Judge, CBI (PC Act), Rouse Avenue District Courts, New Delhi alongwith one surety bond of Rs. 20 Lakhs to the satisfaction of the court.
- b) In any eventuality, accused will not request for extension for staying abroad.
- c) 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.
- d) The applicant shall surrender his passport bearing no. Z5038762 in court within a period of one week of his return.
- e) The applicant shall submit the address of his stay in Atlanta, USA w.e.f. 03.08.2024 to 11.08.2024 alongwith telephone/contact numbers and e-mail address(s). He will also file schedule of his travel to Atlanta, USA at the time of submitting FDR/Bank Guarantee/surety bond.
- f) His counsel/surety will undertake to accept notice(s), if any, on behalf of the applicant in his absence.
- g) 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.

h) 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.

i) In case of any of the above conditions are violated, the bank guarantee/FDR/surety bond amount shall be forfeited to the State.

j) The LOC, if any, shall remain suspended till 11.08.2024. IO is directed to send necessary intimation to the appropriate authority in this regard, if required.

k) A separate intimation be also sent to the Deputy Director (Immigration), Bureau of Immigration, East Block-VIII, Sector-1, Rama Krishna Puram, New Delhi-110066 to take steps for suspension of LOC, if any (Vide Order dated 12.03.2024 passed by Hon'ble Delhi High Court in a case titled as "Ramesh Kumar Vs. Union of India & Anr.", W.P.(C) 3242/2024).

5. The application stands disposed of accordingly.

6. Copy of this order be given dasti to the applicant/accused as well as ED, as prayed.

(HASAN ANZAR)
Special Judge (PC Act) CBI-03,
RADC/New Delhi/22.07.2024