

**IN THE COURT OF MS. NIRJA BHATIA, SPECIAL JUDGE, PC
ACT (CBI)-03, ROUSE AVENUE DISTRICT COURT, NEW DELHI**

(Through VC)

CBI Vs. Seema Mutneja & Ors.
IA No. 3/2021

10.01.2022

Pr. (on screen): Sh. Praneet Sharma, Id. Sr. PP for CBI.
A-7 S. Hariharan on bail alongwith Id. Counsels Sh.Atul
Batra and Sh. Kundan Mishra. .

Matter has been taken up through Video Conferencing hosted by Sh.Ashok Kumar, Reader of the court in terms of orders of Hon'ble High Court bearing Nos. 897-938/RG/DHC/2021 dated 30.12.2021.

The present application is moved on behalf of A6 S. Hariharan for seeking permission to travel abroad. The ground stated is that the daughter of the applicant had been married and is living abroad since March, 2018, from which date he claims to have not met his daughter. It is detailed that the applicant was granted order of bail on 03.02.2016 where there was no incumbency cited qua his seeking prior permission, however, as a matter of abundant precaution, the present application is moved.

He has mentioned address of his daughter as "Anita Hariharan W/o Mr. Sai Vivek, 4455, NW Kahneeeta Drive, Portland, Oregon State, OR 97229, USA".

He also stressed that he wishes to visit her daughter's home and stay there for almost three months.

The present application is replied by the prosecution. IO has opposed grant to any such relief as is sought and has stated probability of applicant/accused fleeing from the Court.

While arguing, Id. Sh. Atul Batra appearing on behalf of the applicant/accused S. Hariharan detailed that applicant/accused is a Retiree and that, he has now booked the tickets for 03.02.2022 and return for 05.05.2022.

It is averred, in the meanwhile, if there is any pleadings, applicant/accused shall join the same through VC.

I have heard the submissions and also perused the record.

At the threshold, it is observed that the matter is proceeding at the stage of final arguments.

The arguments in this case have also been addressed by Id. counsels Sh. M.K. Gupta & Sh. Vijay Kumar and Sh. Shri Singh in RC No.12(E)/2011 (CC/R No.80/2019). Since trial has been completed and as matter is at the stage of final arguments, technically, no proceedings are pending since the accused have already exhausted all the milestones and the matter is at the fag end near the stage of judgment. For no rhyme and reason, at this delayed stage, the application is apparently moved. No ground is stated for grant of three months' time. The Conduct of the applicant/accused is visible from the fact that while application was moved

no detail or schedule was proposed whereas during the pendency of the application itself it is now cited that the tickets have been booked. It is worthwhile to mention that no copies of any of the documents relevant have been placed alongwith the application. Moreover, the absence of the applicant/accused from the jurisdiction at this stage for long stretch like what is prayed herein, is likely to jeopardize the probability of early and speedy disposal, more so, when his presence is needed in three cases out of four matters.

Having regard to the aforesaid, the averment that there was no condition at the stage of bail cannot be read as an order of immunity as he still is bound by the terms of his requisiting to present and participate and abide by the call of jurisdiction.

Having made the aforesaid observation, I am at this stage not incline to allow the present relief. The application is hence rejected.

(Nirja Bhatia)
Spl. Judge (PC Act) CBI-03
RADC/New Delhi/10.01.2022