

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

**CBI Vs. Seema Mutneja
IA No.4/2022 in CC No. 75/2019**

06.07.2022

Present: Sh. Praneet Sharma, Id. Sr. PP for CBI alongwith Constable
Tejender Singh.
Sh. Atul Batra and Sh. Kundan Mishra, Id. Counsels for Accused
S. Hariharan (A-7)

ORDER

1. By this order, I shall decide the application moved on behalf of applicant / accused S. Hariharan Goyal (A-7) seeking permission to travel abroad to USA from First week of August to first week of November, 2022.
2. It is averred in the application that the applicant S. Hariharan is an accused in the present case and is a retiree and residing alongwith his family members at B4, Alankar apartments, 13A, 2nd Cross Street, 6th Main Road, Dhandeeswram Nagar, Velachery, Chennai -600042 alongwith.
3. It is averred that applicant's daughter Anitha Hariharan is resident of United States of America (USA) and residing alongwith her husband

at “4455 NW Kahneeta Drive, Portland, Oregon State, OR 97229, USA”. She is stated to be in family way and expected to give birth to baby in last week of August, 2022 and during her pregnancy she requires utmost care and therefore, the applicant alongwith his wife wishes to visit his daughter.

4. It is averred that there is no embargo to travel abroad as per bail order dated 03.02.2016, however, the applicant is seeking permission.

5. Reply has been filed on behalf of the CBI. It is stated in the reply that applicant is an accused of offence of grievous nature and in view of the severity of punishment prescribed for the offences committed by him, there is every possibility that the applicant accused may flee from the process of the law and may evade the trial. It is also stated that matter is at the final stage and court proceedings may be hampered due to absence of accused.

6. I have heard submissions from both the sides and gone through the contents of the application and reply as well. There is no denial of the fact that the daughter of the applicant is in family way. It is not disputed throughout the proceedings the applicant regularly attended the court proceedings and to the fact that there is no embargo to travel abroad. Reply does not even suggest any dispute to the contentions of the application that the daughter of the applicant having been married

and settled in USA and living at the address mentioned in the application.

7. Having regard to the circumstances that the applicant is retired government official and as is averred orally that he was not able to see his daughter since her marriage, I find no reasonable resistance in allowing this application.

8. In view of the above, I, therefore, allow the instant application of applicant / accused S. Hariharan. He is permitted to visit to travel abroad to United States of America (USA) from 7th August to six weeks i.e. uptill 11.09.2022, subject to the following terms and conditions:

(i) That the applicant shall furnish bank guarantee / cash security or FDR to the tune of Rs. 5 lakhs, with the condition that he shall abide by the terms and conditions of this order, failing which he shall forfeit the amount to the State.

(ii) That applicant shall furnish personal undertaking to the court mentioning that he shall abide by the terms and conditions of this order, failing which he shall forfeit the bank guarantee or cash security or FDR to the State.

(iii) That accused / applicant shall file itinerary for the trip with CBI mentioning the addresses and contact number of his stay abroad.

(iv) That applicant shall return to India and shall report to CBI as well as to this court within a week.

(v) During his stay abroad, the applicant / accused shall appoint a counsel to appear in the Court, who shall represent the applicant / accused in his absence. Applicant / accused shall file the acceptance of that counsel along with his undertaking. The said Advocate would appear on the first call of the case.

(vi) That applicant shall not try to contact any of the witnesses relating to this case during his visit abroad.

(Nirja Bhatia)
Special Judge (PC Act) CBI-03,
RADC, New Delhi / 06.07.2022