

CBI Vs. Abhishek Tiwari & Ors.
FIR No. RC 218/2021/A/0005/CBI/AC-III/ND
CC No. 66/2021
CNR No. DLCT -000488-2021

20.10.2023

This is an application filed on behalf of accused Pooja Deshmukh seeking permission to travel abroad.

Present : Sh. V. K. Pathak, Ld. Senior PP for CBI.

Ms. Arveen Sekhon, Ld. counsel for accused Pooja Deshmukh.

1 By way of present application, the accused Pooja Deshmukh seeks permission of this court to travel to London (UK) from 23.10.2023 to 01.11.2023 for attending Conference titled as "Ophthalmic Imaging Association Conference 2023" to be held on 27/28.10.2023 in Nottingham, UK.

2 Reply to the application has been filed on behalf of the CBI submitting therein that present case was registered by the CBI on 31.08.2021 and it was alleged in the FIR that PE 2232021A0001 was registered on 06.04.2021 in compliance of order dated 05.04.2021 of Hon'ble High Court of Mumbai and for conducting an enquiry, a team of officers of CBI left for Mumbai on 06.04.2021 and during the enquiry, the team members examined several witnesses. It is further alleged that in consequent upon the enquiry, FIR RC No. 2232021A0003 was registered by the CBI on 21.04.2021 and during the course of investigation, it was found that certain persons were committing illegal action to scuttle the investigation. It is further alleged that after investigation, a charge sheet has been filed against the applicant as well as other accused including one officer of the CBI. It is further stated that this court took the cognizance

of the offences and accused persons have been summoned including the complainant. It is further stated that applicant is a very influential person and if permission is granted to her, she may abscond from the process of law and prayer is made for dismissal of the application.

3 Arguments heard on the above application.

4 It is stated by Ld. counsel for Pooja Deshmukh that cognizance has been taken against the applicant/accused and accused has been summoned for 01.11.2023. It is further stated that accused is coming back to India on 01.11.2023 at 3.00 AM and she will positively appear in the court at 10.00 AM on next date of hearing i.e. 01.11.2023. It is further submitted that similar application was moved before Hon'ble High Court of Delhi in respect of co-accused Rahat Hrishikesh Deshmukh and Hon'ble High Court had granted her permission to travel abroad from 05.09.2023 to 13.09.2023 with certain conditions. Ld. counsel has placed on record copy of order of Hon'ble High Court .

5 I have perused the record as well as the order of Hon'ble High Court in respect of co-accused Rahat Hrishikesh Deshmukh dated 01.09.2023 and relevant portion of the order is as under:

“The Present Writ petition has been filed under sections 226 and 227 of the constitution of India read with section 482 Cr. P.C. seeking call of the records of any LOC against the petitioner at the behest of respondent No.3.

Learned counsel for CBI submits that the status report has been filed and as per the status report supplementary charge-sheet has been filed in case RC218/2021/A0005.

As per the status report, RC 223/2021/A003 was registered. However, during the course of the investigation, it was found that the certain persons were committing illegal actions to scuttle the investigation and

therefore, RC218/2021/A0005 was lodged on the statement of Sh. Kiran, SSP, CBI-AC-05, New Delhi against (I) Shri Abhishek Tiwari, Sub Inspector, CBI, AC-V, New Delhi, (ii) Shri Anand Dilip Daga, Advocate, and unknown persons under Sections 120B, 409 of IPC and Sections 7 & 8 of PC Act, 1988.

After the investigation, the charge sheet was filed on 29.11.2021 against (I) Abhishek Tiwari, (ii) Anand Dilip Daga & (iii) Vaibhav Gajendra Tumane for commission of offence punishable under sections 120B r/w 201, 379, 409, 411 of IPC r/w Section 7 and 8 of PC Act, 1988 r/w Section 43 r/w section 66 & 66B of IT Act, 2000 and substantive offences thereof.

Learned counsel for CBI submits that during the course of further investigation the role of the present petitioner along with Ms. Pooja Deshmukh, Sh. Vikrant Deshmukh & Shri Satyajeet Wayal were looked into and thereafter supplementary charge sheet against the present petitioner was filed on 25.08.2023.

Learned counsel for respondent submits that now the matter is fixed before the learned Trial Court for 16.09.2023.

Learned counsel for the CBI further submits that since now the charge sheet has been filed, the petitioner may not be granted permission to travel abroad.

Sh. Vikram Chaudhary, learned senior counsel for the petitioner submits that LOC has been opened against the petitioner. Learned senior counsel for the petitioner has further submitted that after two years the supplementary charge sheet has been filed only after the petitioner has moved the present petition seeking quashing of LOC.

Learned senior counsel further for the petitioner

submits that in October 2022, the petitioner had travelled to New York and at the immigration, she was initially stopped but she was further allowed to travel from the USA to Canada and the petitioner duly returned from her trip and has not travelled thereafter.

Learned senior counsel submits that now the petitioner has received an invitation to her close friend's wedding in Italy on 8/9 September 2023 at Lesa, Italy and wants to attend this marriage and for this petitioner wants to travel abroad from 05.09.2023 to 13.09.2023.

Learned senior counsel further submits that the supplementary charge-sheet has been filed and even cognizance has not been taken, and the petitioner has not been summoned therefore, the petitioner is not in a position to move an application before the learned trial court.

In view of the submissions made, and in view of the fact that the supplementary charge sheet has been filed now around after two years, this court considers that the petitioner may be allowed to travel abroad 05.09.2023 to 13.09.2023”

6 In view of the facts mentioned in the application and in view of the order dated 01.09.2023 passed by Hon'ble High Court of Delhi in respect of co-accused namely Rahat Hrishikesh Deshmukh, applicant Pooja Deshmukh is permitted to travel to London, UK from 23.10.2023 to 01.11.2023 to attend the conference scheduled for 27.10.2023 to 28.10.2023 subject to the following conditions:

a) The accused shall furnish an FDR of Rs.10,00,000/- (Rs. Ten Lakhs only) to the satisfaction of the Court and she shall report the court after completing the journey.

b) The accused shall appear before the Court as and when summoned.

c) The accused shall file an affidavit giving her full itinerary, the place of stay in London, UK.

d) The accused shall also give her mobile number on which she will remain available.

7 The above application is disposed off accordingly.

8 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/20.10.2023