

IA 8/2024
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

30.07.2024

(Present proceedings have been conducted on Hybrid Mode)

Present: Shri Raj Kamal Ld. PP for CBI.

Applicant Rahat Deshmukh alongwith Ld. Counsel Shri Tushar Anand have appeared through VC (**Cisco Webex App**).

1 The present application has been moved by (A-5) Rahat Deshmukh for permission to travel to New York, USA from 02.08.2024 to 20.08.2024 to attend the International Conference on Management and Marketing Sciences in New York, USA hosted by the World Academy of Science, Engineering and Technology. Copy of the air tickets of applicant is also annexed with the application.

2 Reply to the application has been filed on behalf of CBI submitting therein that the present case was registered by the CBI on 31.08.2021 on the complaint submitted by Shri Kiran, SSP, CBI, AC-V, New Delhi. It is further submitted by Ld. PP that after investigation, charge sheet was filed on 29.11.2021 against accused Abhishek Tiwari, Anand Dilip Daga and Vaibhav Gajendra Tumane for commission of offences punishable U/s 120B r/w sec. 201, 379, 409, 411 IPC r/w sec. 7 & 8 of PC Act r/w sec. 43 r/w section 66 & 66B of Information Technology Act. It is further stated that after further investigation supplementary charge sheet was filed U/s 120B r/w sec. 379/411 IPC r/w sec. 8 of PC Act r/w sec. 43 r/w sec. 66-B of Information Technology Act against

accused Ms. Rahat Deshmukh and others. It is further stated that the 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 in the application that the applicant/accused was granted bail vide order dated 10.11.2023 and one of the condition of the bail order was that she shall not leave the country without prior permission of the court.

It is further stated that earlier during investigation, applicant had travelled abroad after seeking permission from Hon'ble High Court of Delhi and had duly returned back. It is further stated that one of the conditions imposed by Hon'ble Delhi High Court was that applicant shall furnish FDR of Rs.10 Lacs before the trial court and she had furnished the said FDR before this court and has not taken back the same till date. It is further stated that vide W.P. (Crl.) 2429/2023, applicant had approached Hon'ble Delhi High Court seeking quashing of LOC issued against her and the same is still pending. Therefore, it is prayed that the applicant be allowed to travel to New York, USA from 02.08.2024 to 20.08.2024 to attend conference and her passport be also released for the said purpose. It is further prayed that LOC issued against the applicant be temporarily suspended for the said period.

5 I have heard the rival contentions of Ld. SPP for ED and Ld. Counsel for the applicant/accused and have gone through the records.

6 Perusal of record reveals that vide order dated 10.11.2023, applicant/accused was granted bail. Pursuant to the said order, surety bonds were furnished by the applicant/accused and also submitted her passport in the court.

7 Perusal of record also reveals that earlier applicant Ms. Rahat Deshmukh was permitted to travel abroad by Hon'ble High Court of Delhi vide order dated 01.09.2023 and she has not misused the liberty granted to her. Moreover, there is no report from CBI that applicant after granting bail has violated any of the condition of bail.

8 It is also 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 the application. Therefore, there are no chances of tampering with the evidence or influencing the witnesses.

9 It is submitted by Ld. Counsel for applicant that applicant has an apprehension that as LOC has been opened against her, she can be stopped at the Airport. CBI has filed reply to this application but has not said anything about LOC against the applicant.

10 It is submitted by Ld. Counsel for applicant that applicant is travelling to USA from 02.08.2024 to 20.08.2024 and due to shortage of time, prayer is made for suspension of LOC from 02.08.2024 to 20.08.2024.

11 In view of the abovesaid facts and circumstances and in the interest of justice, LOC issued against applicant Ms. Rahat Deshmukh is suspended from 02.08.2024 to 20.08.2024 and **applicant/accused Ms. Rahat Deshmukh is permitted to travel to New York, USA from 02.08.2024 to 20.08.2024 (both days inclusive)** subject to the following conditions: -

- Accused shall furnish an FDR of Rs.10 Lacs to the satisfaction of the court and she shall report the court after completing the journey. (It has been observed that FDR for sum of Rs.10 Lacs which was

earlier submitted by the accused is already on record. Same is accepted).

- The accused shall appear before the court as and when summoned.
- The accused shall file an affidavit giving her full itinerary, the place of stay in New York, USA.
- The accused shall also give her mobile number on which she will remain available.
- As prayed for, the passport of applicant/accused Rahat Deshmukh be returned to him for the purpose of her travel. She is directed to deposit the passport within 24 hours after his return.

The application is disposed off accordingly.

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

(ANKIT SINGLA)
Special Judge (PC Act) (CBI)-02
Rouse Avenue District Court
New Delhi/30.07.2024