

**IN THE COURT OF SH. GAURAV RAO, SPECIAL JUDGE,
(PC ACT) (CBI-01), ROUSE AVENUE COURT COMPLEX,
NEW DELHI**

**IA No. 02/2024
CC No. 71/2022**

In re :

Sanjay Pandey

v.

Central Bureau of Investigation

01.5.2024

Order

1. Vide this order, I shall decide the application moved by applicant Sanjay Pandey seeking permission to travel to Canada from 13th May, 2024 till 02nd June, 2024.
2. It is stated by the applicant that he wishes to spend time with his son as he has not met him in the past 4 years, therefore, intends to travel to Vancouver and stay with his son at Vancouver, Canada for 21 days i.e. from 13.5.2024 to 02.6.2024. During the course of the arguments, it was submitted that as his wife is indisposed presently, there might be a change in the travel days but he will not travel for more than three weeks.
3. Notice of this application was issued to CBI who has filed reply to the same. IO as well as Ld. PPs have strongly opposed the application. It is submitted that if the applicant is granted permission to travel to Canada, it is apprehended that he may

abscond, not come back and therefore, might not be available to face the trial proceedings in the instant case. Ld. PPs for the CBI prayed for dismissal of the application.

4. I have considered the conditions as imposed by the Ld. Predecessor of this court at the time of grant of bail to the applicant. Though no doubt, one of the conditions was “*applicant shall not leave the country during the bail period and surrender his passport, if any, at the time of release before the IO concerned*”, however, it is a matter of record that in the ED matter, the applicant was granted permission to travel abroad by the Hon’ble High Court of Delhi vide orders dated 11.3.2024. The above condition was imposed by the Ld. Predecessor to ensure the presence of the accused during the trial. There appears to be no other purpose. The apprehension as expressed by the IO and the Ld. PPs for the CBI has no sound basis whatsoever. When permission in ED matter has already been granted by the Hon’ble High Court of Delhi, I find no reasons to not to grant permission to the applicant/accused to travel abroad. It is also worthwhile to mention that the passport of the applicant has already been released for the purpose of renewal. Therefore, considering the matter in entirety, the application is allowed and he is permitted to travel to Canada for a period of three weeks in May-June, 2024 subject to the following conditions:-

1. *He shall inform the court as well as the CBI about his detailed itinerary regarding his stay in Canada. He will submit the addresses of his stay alongwith*

telephone/contact numbers in the itinerary.

- 2. He shall furnish security in the sum of Rs. 5 lakhs with two sureties each in the like amount to the satisfaction of this court.*
 - 3. He shall inform the court about his arrival in India within 48 hours.*
 - 4. In any eventuality, accused will not request for extension for staying abroad.*
 - 5. He shall not tamper with the evidence nor try to influence any witness in any manner.*
 - 6. His surety will undertake to accept notice, if any, on behalf of the accused in his absence, in case any need arises.*
 - 7. He shall surrender his passport to the Court within 48 hours of his arrival in India.*
 - 8. All the conditions imposed by the Hon'ble High Court of Delhi vide order's dated 11.3.2024 in Bail Appln. 2409/2022 shall be duly complied with by the applicant in the present matter as well.*
5. With these observations, the application stands disposed of.
6. Copy of this order be given dasti to the applicant as well as prosecution.

(GAURAV RAO)
SPECIAL JUDGE, (CBI) (PC ACT),
ROUSE AVENUE DISTRICT COURTS,
NEW DELHI/ 01.5.2024