

**IN THE COURT OF SHRI HASAN ANZAR,
SPECIAL JUDGE, PC ACT (CBI-03),
ROUSE AVENUE DISTRICT COURT, NEW DELHI**

*CBI Vs. Rakesh Kumar Jain @ R.K. Jain & Ors.
CC No. 327/2019
IA No. 08/2025*

ORDER

1. This order shall decide the application filed on behalf of A-1 and A-2 seeking permission to travel abroad to Malaysia w.e.f. 17.08.2025 to 24.08.2025.

2. It is contended in the application that applicants seek permission to travel abroad to Malaysia w.e.f. 17.08.2025 to 24.08.2025 as applicant no. 2 Reema Jain is a Member of NIHARIKA, a non-profit organization focused on the Women's Empowerment & Social Impact in India and the organization is organizing an eight day foreign tour for its Members alongwith their spouses. As part of this tour, Applicant/A-2 Reema Jain alongwith her husband R.K. Jain (A-1/Applicant) seek permission to visit Malaysia to observe and experience the initiatives related to Women's Empowerment & Social Development. It is further contended that applicant/A-2 was previously granted permission to travel abroad on three occasions vide orders dated 08.10.2018, 01.08.2022 and 16.04.2025. It is contended that no prejudice would be caused to the prosecution, if the applicants are permitted to travel abroad. It is further contended that applicants undertake to remain represented before the court through their counsel during their absence so as to ensure that the proceedings are not delayed on account of their travel. It is contended that applicant/A-2 has never misused the liberty granted to her and both the applicants are willing to comply with any condition(s) this court may

deem fit while granting permission to travel abroad.

3. Reply has been filed by the CBI to the above application of the applicants whereby the CBI/prosecution has opposed the aforesaid application stating that the reasons given by the applicants to visit abroad do not indicate any compelling/compulsive or pressing need to visit abroad and that the right to visit abroad is not absolute and has to be reasonably explained. It is contended that there is reasonable apprehension that applicants may abscond and will not be available for the proceedings before the court, if they are permitted to go abroad.

4. I have considered the submissions made by the parties.

5. The objection of the CBI is only based on the apprehension that if the applicants are permitted to travel broad then the same would hamper the trial. The reason for such an apprehension was not supported with any material on record. The accused/applicants are presumed to be innocent till they are pronounced guilty. The applicant/A-2 was earlier given permission to travel abroad vide orders dated 08.10.2018, 01.08.2022 and 16.04.2025 and the similar apprehensions of the CBI were considered while granting the permission to travel abroad. It is further observed that vide orders dated 08.10.2018 and 22.01.2019, both the accused persons were permitted to travel to United States of America, however, the applicant/A-1 R.K. Jain did not travel abroad. The contention of the Ld. PP for the CBI that both the accused persons be not permitted to travel abroad and he placed reliance on *Ashneer Grover Vs. Union of India & Ors., W.P.(C) 1430/2024 decided on 24.05.2024* in which only one of the spouse was permitted to travel abroad. A perusal

of the said order would reveal that in the cited judgment, one of the party had offered that only other spouse would travel abroad and moreover, in the relied upon case, the investigation was underway, whereas in the present case, the applicant/A-1 R.K. Jain was not arrested during the investigation and the charge sheet was filed without arrest. Moreover, both the accused persons are regularly attending the proceedings in the court and applicant/A-2 Reema Jain had travelled abroad few times without violating any terms and conditions. It appears from the record that both the accused persons have root and social standing in the society and no material has been brought on record to show otherwise. The next date of hearing in the present case is 27.08.2025 and the absence of the applicants would not delay the proceedings, however, in order to allay any apprehension of the prosecution, additional condition can always be put on both the applicants/A-1 and A-2.

6. Considering the totality and facts and circumstances of the case, the applicants R.K. Jain (A-1) and Reema Jain (A-2) are permitted to travel to Malaysia w.e.f. 17.08.2025 to 24.08.2025 subject to the following conditions :-

(i) Both the applicants shall furnish bank guarantee/cash security or FDR to the tune of Rs.15 Lakhs each with the condition that they shall abide by the terms and conditions of this order, failing which they shall forfeit the amount to the State.

(ii) The the applicants shall furnish personal undertakings to the court mentioning that they shall abide by the terms and conditions of this order, failing which they shall forfeit the bank guarantees or cash securities or FDRs to the State.

(iii) That the applicants shall file itinerary for the trip with CBI mentioning the addresses and contact numbers of their stay abroad.

(iv) In any eventuality, applicants/accused will not request for extension for staying abroad.

(v) They shall neither tamper with the evidence nor try to influence any witness in any manner and will not use the permission granted to them contrary to the rules.

(vi) This permission shall be subject to other applicable rules and will not be deemed as directions to any other Authority except the permission from the side of the court.

(vii) The applicants will submit the addresses of their stay in travel to Malaysia from 17.08.2025 to 24.08.2025 alongwith telephone/contact numbers and e-mail address/s. They will also file their schedule of travel at the time of submitting FDR/Bank Guarantees/surety bonds, as above. The applicants shall file No Objection Certificate from their respective sureties indicating that they do not have any objections with respect to their foreign visit.

(viii) Both the applicants A-1 and A-2 shall also disclose about their respective moveable and immovable assets as held by them.

(ix) Their sureties/counsel will undertake to accept notice(s), if any, on behalf of the applicants/accused in their absence.

(x) They will not create any third party interest in any of their immovable properties situated in India or abroad without permission of the court during this period.

(xi) Neither the applicants nor their counsel will object to the carrying of the trial/inquiry during their absence.

(xii) In case of any of the above conditions are violated, the bank guarantees/FDRs/surety bonds amount shall be forfeited to the State.

(xiii) The applicants shall file an undertaking that if they are required to appear physically in the court during their period of stay in abroad, then the applicants shall promptly return back to India and attend the court physically.

(xiv) That the applicants shall mark their physical presence in the court within a week from return from abroad.

(xv) The LOC, if any, shall remain suspended till 24.08.2025. IO is directed to send necessary intimation to the appropriate authority in this regard, if required.

(xvi) A separate intimation be also sent to the Deputy Director (Immigration), Bureau of Immigration, East Block-VIII, Sector-1, Rama Krishna Puram, New Delhi-110066 to take steps for suspension of LOC, if any (Vide Order dated 12.03.2024 passed by Hon'ble Delhi

High Court in a case titled as “Ramesh Kumar Vs. Union of India & Anr.”, W.P.(C) 3242/2024).

7. With the aforementioned observations, the application (IA No. 08/2025) stands disposed of.

8. Copy of this order be given *dasti* to the applicants/accused persons as well as CBI, as prayed.

(HASAN ANZAR)
Special Judge (PC Act) CBI-03
RADC/New Delhi/01.08.2025