

**IN THE COURT OF SHRI AJAY GULATI
SPECIAL JUDGE (PC ACT), CBI-12, ROUSE AVENUE COURT
COMPLEX, NEW DELHI.**

CC No. 283/2019

CBI Vs M/s Texcomash International & Others

23.12.2019

Present:- Shri Sukant Vats, Id. PP for CBI.
Shri Madhukar Pandey, Shri Vijay Aggarwal and Shri Shivam Gupta, Id. Counsel for A23 Manoj Kumar Garg.
Shri Vijay Kumar Aggarwal, Shri Dhruv Chaudhary, Shri Shekhar Pathak and Shri Shivam Gupta, Id. Counsel for A11 Kapil Chugh.

An application has been moved on behalf of A23 Manoj Kumar Garg intimating to this court regarding his travel plan to London commencing from 24.12.2019 till 22.3.2020 which information is to be submitted in compliance of the order dated 12.4.2019 passed by the learned Predecessor.

I have gone through the said order.

The application is taken on record.

Vide order dated 12.4.2019, one of the condition imposed was that each time the applicant will travel abroad, the same will be under intimation to this Court and that he will deposit an FDR of Rs. 15 lacs. Learned counsel for the applicant/accused has pointed out that two FDRs of Rs. 15 lacs and Rs. 10 lacs respectively, are already on the court record and the same has been recorded in the order dated 20.8.2019.

It needs a highlight that vide order 26.2.2015, Hon'ble High Court of Delhi had permitted the applicant/accused to travel to Dubai and one of the conditions imposed was that he would deposit an FDR of Rs. 25 lacs with the trial court. In compliance of the said directions, an FDR of Rs. 25 lacs was deposited with the trial court. The above-said two FDRs of Rs. 15 lacs

and Rs. 10 lacs respectively, were furnished as replacement of the FDR of Rs. 25 lacs.

Learned counsel appearing for A23 Manoj Kumar Garg submits that in the previous order, this court had given an observation that application moved on behalf of accused Manoj Kumar Garg under Section 306 Cr. PC shall be taken up after receipt of execution report of LR, which is awaited. The observation was passed placing reliance on the order dated 30.7.2018.

Learned counsel has however pointed out that in the order dated 30.7.2018, mere contention of the ld. counsel for the CBI was recorded and no particular finding was given by the court that the application shall be taken up only after receipt of execution report regarding the LR. In view of this, the application be taken up for hearing on the next date.

Another application has been filed on behalf of applicant/accused A11 Kapil Chugh intimating to this court regarding his plans to travel to **Hongkong** and **United Kingdom** commencing from 26.12.2019 till 17.1.2020. The details of his travel plans have been appended as Annexure "A" to the application. The information is being submitted in compliance of the directions of the order dated 5.4.2019 vide which the learned Predecessor had permitted the applicant/accused to travel abroad simply under intimation to this court.

It needs a highlight that one of the conditions imposed upon the applicant/accused was to furnish an FDR of Rs. 15 lacs with the trial court as and when he intended to travel abroad. Learned counsel has pointed out that the applicant/accused had furnished an FDR of Rs. 25 lacs which is already on record, having been furnished by the applicant/accused for the purpose of his travel abroad in compliance of the directions given by the ld. Predecessor.

However, while perusing the previous orders, it has come to

light that vide order dated 15.7.2019, an application moved on behalf of applicant/accused Kapil Chugh seeking withdrawal of the FDR of Rs. 25 lacs was allowed. Learned counsel however has highlighted that the said FDR is still on record and has not been withdrawn. Since the applicant will have to furnish an FDR of Rs. 15 lacs in order to travel abroad, learned counsel very fairly submitted that till the applicant returns, the FDR will not be withdrawn.

At this stage, Id. Counsel for CBI has opposed the application on the ground that one of the LR that has been sent by the CBI, is to the competent investigating authority in Hongkong. Learned counsel has been specifically put a question by the Court as to on what basis is he opposing the said application since vide the said application, the applicant/accused is not seeking permission but is only intimating the court which liberty has been granted to him by the learned Predecessor vide order dated 5.4.2019 and which order till date, has not been challenged by the CBI. The opposition to this application is thus frivolous, to say the least.

Arguments heard on the application under Section 156(3) Cr. PC as also for amendment of condition imposed while granting bail to A11, moved on behalf of A11 Kapil Chugh. Put up for orders on 10.1.2020.

Come up for arguments on application under Section 306 Cr. PC moved on behalf of A23 Manoj Kumar Garg on 31.1.2020.

(AJAY GULATI)
Spl. Judge (PC Act),CBI-12
RACC/New Delhi/23.12.2019