

**IN THE COURT OF SPECIAL JUDGE:
PC ACT (CBI) - 04, ROUSE AVENUE COURTS, DELHI.**

IA No. 4/2024

CNR DLCT11-000071-2024

CBI No. 30/2024

CBI Vs. M/s Indian Technometal Co. Ltd & Ors.

(Applicant Shakti Ranjan Dash)

RC 050 2021A 0004

CBI SC-II, New Delhi

**U/s 120B r/w 420/468 & 471 IPC & 13 (2) r/w 13 (I) (d)
of P.C Act 1988**

03.09.2024

Present : Applicant Shakti Ranjan Dash (through VC).

**Mr. Shivam Batra (through VC), Ms. Arpita,
Sh. Mohd. Ibrahim and Sh. Rony O. John,
Ld. Counsel for applicant Shakti Ranjan Dash.**

**Sh. Hari Mohan, Ld. Sr. Public Prosecutor for
CBI /non-applicant.**

I.O/Dy.S.P. Vinod Kumar, CBI/SC-II/ND

**This is an application moved on behalf of applicant
seeking permission to travel abroad from 08.09.2024 to
13.09.2024.**

**Reply is filed by the CBI to the aforesaid application.
Copy supplied.**

ORDER

**1. This is an application moved on behalf of
Accused-/applicant Shakti Ranjan Dash seeking permission to
travel abroad from 08.09.2024 to 13.09.2024.**

1.1 It is inter alia pleaded in the application that the applicant herein wishes to travel to Ethiopia and South Africa from 08.09.2024 to 13.09.2024 for his business engagements. It is further pleaded that applicant is a director/shareholder in Manganex Mine (PTY) Ltd., which is incorporated under the laws of the Republic of South Africa and engaged in the business of mining activities there.

1.2 It is inter alia pleaded in the application that the the applicant needs to visit to South Africa for various purposes including physical inspection of the mines operated by Manganex Mine (PTY) Ltd. and other meetings with officials, employees, contractors etc. to take stock of development and working of the mines and to assess and inspect the progress made and prepare future strategy for optimum exploration of mines and minerals under the Mining Lease operated by company. It is further submitted that the applicant is also required to be physically present for signing of statutory returns of the company which requires signatures of all the directors of the company as per the local laws.

1.3 It is further pleaded that the meetings / visits are essential for advancing the business interest and fostering relationships critical of the applicant to his ongoing business operations in South Africa.

1.4 It is further pleaded that the applicant / accused has travelled to South Africa in the past as well as on several occasions for his business engagements.

1.5 It is further pleaded that the copy of Certificate of Confirmation dated 08.11.2021 issued by the Competent Authority in South Africa showing the applicant as Director of Manganex Mine (PTY) Ltd. is annexed as **Annexure A-1**. It is further pleaded that the applicant has booked return tickets for the above-said travel itinerary and would return to India on 13.09.2024. Copy of the return tickets are annexed as **Annexure A-2**. Lastly, it is pleaded that the applicant undertakes to abide by terms and conditions as imposed by the Hon'ble Court. Hence, prayer is made for allowing the present application.

2. In the reply filed by the CBI, it is submitted that applicant herein is involved in the present case for the offences punishable under Section 120-B read with 420/468/471 IPC and Section 13 (2) r/w 13 (I) (d) of PC Act.

3. It is argued by Ld. Counsel for the accused/applicant that there is bonafide necessity of applicant to visit to Ethiopia and South Africa in the interest of his business there. Further, it is argued that the applicant herein has co-operated with the investigation of the case and has even visited Cambodia after filing of the case as well as charge sheet and returned to India.

4. Per contra, Ld. Sr. PP for the CBI has vehemently opposed the present application stating that applicant herein has not mentioned the necessity to visit Ethiopia and South Africa by himself in person and not by any other authorized person / Director of the Firm. It is further argued that the physical

presence of applicant for signing of statutory return of the company as per the local law is concerned, no document is filed in this regard.

4.1 It is further argued that the the trial of the case is at important stage and there is strong likelihood that applicant may not return to India which will result in hampering of the trial. Hence, prayer is made for dismissing the application.

5. Heard and considered.

6. Vide order dated 03.07.2024, accused/applicant herein was admitted to regular bail by this Court with one of the conditions **(iii) the applicant/accused persons shall not leave the country without permission of the Court.** He was charge sheeted without being arrested during investigation. Hence, the applicant has filed the present application seeking permission to travel abroad.

6.1 As far as the plea of the CBI that applicant has not shown the compulsion or necessity to visit South Africa and Ethiopia is concerned, the same does not hold good as applicant herein has given in detail the purpose of his visit in **Para-4**. It is not for CBI to dictate as to how to conduct the business. It is also submitted that applicant being the director/shareholder of Manganex Mine (PTY) Ltd., is required to visit there in the interest of his business.

6.2 As far as other plea of CBI that there is apprehension of accused fleeing away from the process of law or not returning India is concerned, the same is not forthcoming

from the record. The tickets for the scheduled visit/hotel bookings in South Africa are on record. Besides this, these documents are not disputed. **He has regularly travelled Cambodia right from year 2022 till date and has returned back. He even visited in June 2024 after the filing of the chargesheet and returned back and by the order of this court dated 31.07.2024, he was permitted to visit Cambodia.**

7. In view of the facts and circumstances, **the application in hand is allowed and applicant Shakti Ranjan Dash is permitted to travel abroad i.e. Republic of South Africa from 08.09.2024 to 13.09.2024 subject to the following conditions:**

- (i) That Accused/Applicant shall furnish a security of Rs. FIVE LACS in the form of FDR in addition to his personal surety bond in the like amount.**
- (ii) That Accused/Applicant shall inform the Court about his arrival in India within 72 hours of his return and shall file copy of his passport showing departure and arrival back to India.**
- (iii) That in any eventuality, the Accused/Applicant shall not request for extension of his stay abroad.**
- (iv) That Accused/Applicant shall not tamper with evidence or influence witnesses in any manner and shall not use the permission granted to him contrary to the Rules.**
- (v) That this permission shall be subject to other applicable rules and shall not be deemed as directions to any other authority except permission from the side of the Court.**

- (vi) That during his stay abroad, the Accused/Applicant shall be represented before the Court by his counsel and no adjournment shall requested on his behalf due to his absence.
- (vii) That Accused/Applicant shall file an undertaking with affidavit that he shall not dispute his identity during the proceedings/trial conducted in the presence of his counsel during this period.
- (viii) That Accused/Applicant shall submit his addresses / itinerary at Ethiopia and South Africa, where he intends to stay alongwith his working contact number during this period.
- (ix) That Surety of Accused/Applicant shall undertake to accept notice, if any, on behalf of applicant/accused in his absence.

The application stands disposed off accordingly.

A copy of this order be given Dasti to Accused/Applicant/
his counsel.

(GAGANDEEP SINGH)
Special Judge (PC Act) CBI-04,
Rouse Avenue Courts, New Delhi
03.09.2024