

KABC010107902024



**IN THE COURT OF THE XXI ADDITIONAL CITY CIVIL
AND SESSIONS JUDGE AND PRINCIPAL SPECIAL
JUDGE FOR CBI CASES : AT BENGALURU CITY (CCH-4)**

Dated this the 30th day of November, 2024

Present: Sri.Shridhar Gopalakrishna Bhat,
XXI Addl. City Civil & Sessions Judge &
Prl. Spl. Judge for CBI Cases,
Bengaluru.

Spl.C.C.No:801/2024

COMPLAINANT : The State by CBI/ACB, Bengaluru
(By Ld. Senior Public Prosecutor)

Vs

ACCUSED : **Sri.Neeraj Bapna and Others,**

APPLICANT : Sri. C. Venkateshwara Rao
Accused No.4 Partner of M/s. Lakshmi
Venkateshwara Constructions,
S/o. Late. Ramakrishna,
R/o. No.4-189, Kondampalli,
Anantapur,
Andhra Pradesh – 515 110.

(By Sri.MR, Advocate)

**ORDERS ON THE APPLICATION FILED UNDER SECTION
10(5) OF THE PASSPORT ACT ON BEHALF OF
ACCUSED NO.4.**

The accused No.4 has filed the application under
Section 10(5) of the Passport Act, seeking 'NO

OBJECTION CERTIFICATE' to obtain Passport in his favour.

2. It is stated in the application that on 28.10.2022, Anti Corruption Branch ('ACB' in short) of Central Bureau of Investigation ('CBI' in short), Bengaluru has registered FIR No.RC0372022A0015 against the applicant-accused No.4 and others for alleged offences punishable under Sections 120B of the IPC and Sections 7, 8 and 12 of the Prevention of Corruption Act, 1988 (as amended in 2018). Thereafter, after investigation, the charge sheet has been filed by the CBI for the said offences. It is further stated that the accused No.4 has appeared before the Court and enlarged on bail and complied with the bail conditions.

3. It is further stated that accused No.4 has applied for the Passport before the Regional Passport Office, Vijayawada, Andhra Pradesh, wherein, the said Regional Passport Office refused to provide Passport to him by its letter Ref.No.SCSCN319714645/24 dated 11.10.2024, due to the reason that as per the Police Verification, there is a case pending against him and he shall furnish proof of clearance of the case and clarify in person at the Passport Office. It is further stated that he has no intention to go abroad at present, but he had applied for Passport as he has got fundamental right to travel abroad. Further, he is ready to abide by any conditions that may be imposed and no prejudice will be caused to the complainant if the application is allowed. If the application is not allowed, the accused No.4 will be

put to great hardship and injury, accordingly prayed for allowing the application.

4. Along with the application, the accused No.4 has also produced the copy of the Online Appointment Receipt and the Endorsement dated 11.10.2024, issued by the Regional Passport Office, Vijayawada.

5. The Investigation Officer has filed objection through the Ld. Senior Public Prosecutor, contending as to registration of the case as stated by accused No.4 in his application and filing of the charge sheet against accused Nos.1 to 7 for the offences punishable under Section 120B R/w. Sec.420, 468, 471 of the IPC and Section 7, 8 and 12 of the Prevention of Corruption Act, 1988. In the objection, he has also stated as to role of the accused No.4 in the commission of the offence as he had given illegal gratification of Rs.5 lakhs to accused No.1, in lieu of getting the contract for collection and supply of ballast including mechanical loading-unloading and boxing etc., at MKJ Depot, though he had not submitted the mandatory Ballast Test Certificate with tender documents. It is further contended that, if the application is allowed to get the passport in the name of the accused No.4, he may flee from India, without intimating the court and it is difficult to control his foreign visit as no Look Out Circular was issued against him. He will not return to India to face the trial, which hampers the trial. Accordingly, prayed for rejection of the application.

6. Heard the learned counsel for the applicant-accused No.4 and also the learned Senior Public Prosecutor on the application. Perused the material available on file.

7. On hearing the learned counsels and on perusal of the entire materials available on record, the point that would arise for consideration are;

1. Whether the accused No.4 has made out sufficient grounds to grant the relief sought for in this application ?
2. What order?

8. The above points are answered as under;

Point No.1 : In the affirmative.

Point No.2 : As per the final order for the following;

REASONS

9. **Point No.1:** Admittedly, the CBI has filed charge sheet against the accused Nos.1 to 7 including the applicant-accused No.4, for the offences under Sections 120-B R/w. Secs.420, 468 and 471 of the IPC and Sec.7, 8 and 12 of the PC Act, 1988 (as amended in 2018). In this case, cognizance of the said offences was taken by this court and summons were issued. In pursuance of the summons issued, the accused persons have put up their appearance and enlarged on bail. Now, the accused No.4 has come up with present application seeking 'No Objection Certificate' for obtaining Passport in his favour.

10. It is noticed from the copy of the documents produced along with the application that, accused No.4 has applied for Passport to Passport Seva Kendra at Vijayawada and the Regional Passport Office, Vijayawada, by endorsement dated 11.10.2024 sought for certain clarification required regarding issuance of Passport facility to him, in view of the receipt of an adverse Police Verification Report, corresponding to his application for issuance of Passport. In view of the said endorsement, the accused No.4 has come up with the present application.

11. On going through the objection filed on behalf of the prosecution, it is noticed that only objection of the prosecution is found to be that, if accused No.4 gets passport in his name, there is every possibility that he may flee from India, without intimating this court as Look Out Circular was not issued against him and he may not return to face the trial, which will cause hurdle for the trial of the case. It is not the objection of the prosecution that the accused No.4 should not be granted with 'No Objection Certificate' for getting the passport.

12. It is needless to say that, just because the applicant is the accused in the present case, that will not take away his right to get the passport. It is also noticed that while granting the bail to the accused No.4, this court has imposed a condition that he shall not leave India, without prior permission of this court till disposal of the case. Hence, mere getting of the Passport will not give liberty to the accused No.4 to leave India without

prior permission of this Court. Further, in the application itself, it is clearly stated that the accused No.4 is not intended to go abroad at present. It appears that he is only intended to get the Passport to travel abroad in future. Under these attending circumstances, this court did not find much substance in the objection filed on behalf of the prosecution. Even if the accused gets the Passport, he cannot travel abroad without prior permission of this court as per the condition already imposed. The accused No.4 is only seeking 'No Objection' to obtain Passport in view of pendency of this case before this court. Mere pendency of the case will not act as a bar for obtaining the Passport. Hence, 'No objection Certificate' could be given to accused No.4 only to obtain the Passport, if the objection to grant the Passport is only pendency of this case against him. Hence, the applicant-accused No.4 has made out the grounds for granting the relief sought for in this application. Accordingly, Point No.1 is answered in the affirmative.

13. **Point No.2** : For the reasons discussed in connection with the Point No.1, this court proceeds to pass the following;

ORDER

The application filed under Section 10(5) of the Passport Act, 1967 on behalf of accused No.4 is hereby allowed.

Consequently, 'No Objection Certificate' is ordered to be given to the accused No.4 as

prayed in the application subject to the condition that he shall surrender the Passport obtained by him immediately to this Court.

Office to issue 'No Objection Certificate' to issue Passport in favour of accused No.4, if the objection of the Passport Authority is only pendency of this case for granting the Passport in favour of accused No.4.

(Typed on my dictation by the Stenographer Gr.I, corrected, signed and then pronounced by me in open Court on this the 30th day of November, 2024)

(Shridhar Gopalakrishna Bhat),
XXI Addl. City Civil & Sessions Judge,
& Prl. Spl. Judge for CBI Cases
(CCH-4), Bengaluru City.