

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 16th day of April, 2025

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

Spl.CC.No: 801/2024

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

Vs

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

APPLICANT : Sri. P. Rama Mohan Choudhary
Accused No.6 Partner of M/s. NAS Constructions,
S/o. Late. P. Narayanappa,
R/o.Ward No.20, Renukacharya
Nagar 3rd Cross, Sri. Sai
Hanumana Nivas Near Park,
Bellary, Karnataka – 583 101.

(By Sri.MR, Advocate)

**ORDERS ON THE APPLICATION FILED UNDER SECTION
439 (1)(b) OF THE Cr.P.C.**

The accused No.6 has filed this application seeking
permission to travel to London in between 25.06.2025 to

10.07.2025 by relaxing the condition imposed on him by order dated 20.06.2024.

2. It is stated in the application that, on 20.10.2022, CBI/ACB, Bengaluru, registered the case in FIR No.RC 0372022A0015 against accused No.6 and others, for the alleged offences punishable under Section 120B of the Indian Penal Code ('IPC' for short) and Sections 7, 8, 12 of the Prevention of Corruption Act ('PC Act' for short), as amended in 2018. The accused No.6 was enlarged on bail by order dated 20.06.2024, with a condition that he shall not leave India without prior permission of this court till disposal of the case along with other conditions.

3. It is further stated in the application that the son of the accused No.6 is presently studying in London, due to which, accused No.6 is unable to meet his son. His entire family has now decided to meet his son. Hence, accused No.6 is intended to travel to London on 25.06.2025 along with his family members to meet his son and thereafter return back to India on 10.07.2025. However, due to the condition imposed by this court, accused No.6 cannot travel to London, without prior permission of this court. Hence, he has filed the present application. The accused No.6 in his application has also undertaken to appear before this court as and when directed by this court. No prejudice or harm will be caused to the prosecution if the application is allowed. On the other hand, if the permission is not granted, great

hardship and injury will be caused to him. Accordingly, prayed for allowing the application.

4. The learned Spl. Public Prosecutor has filed objection to the above application stating as to registration of the case against the accused persons for the offences punishable under Section 120B read with Section 420, 468, 471 of the IPC and Sections 7, 8 and 12 of the PC Act, as amended in 2018. Further, if the application is allowed and accused No.6 is permitted to travel to London, there is mostly likelihood that he may flee from India and will not return back to India to face the trial in the case. Therefore, the application is to be dismissed.

5. Heard the learned counsel for the accused No.6 and the learned Spl. Public Prosecutor on the application.

6. On hearing the learned counsels and considering the material on record, the point that would arise for consideration are;

1. Whether the accused No.6 has made out sufficient grounds to permit him to travel to London for a period from 25.06.2025 to 10.07.2025 ?
2. What order?

7. 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

8. **Point No.1:** Admittedly, the CBI/ACB, Bengaluru, has filed charge-sheet against the accused persons for the offences punishable under Section 120B read with Sections 420, 468, 471 of the IPC and Sections 7, 8 and 12 of the PC Act, as amended in 2018. Thereafter, the 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 before this court and they are on court bail. It is noticed that accused No.6 was granted bail by order dated 20.06.2024 with certain conditions including restriction to leave India without prior permission of this court till disposal of this case. In view of the said restriction, the accused No.6 has filed the present application seeking relaxation to travel to London in between 25.06.2025 and 10.07.2025 to see his son, who is studying at London.

9. It is to be noted that, though the prosecution has expressed its apprehension that the trial would be delayed due to absence of the accused No.6 and there is every possibility of non-appearance of the accused, the same could be ensured by imposing suitable conditions. Further, the accused No.6 is seeking permission to travel to London only for a limited period between 25.06.2025

to 10.07.2025 for 17 days only. Added to that, he has undertaken to appear before the court. Even, the learned counsel for accused No.6 has submitted that the accused No.6 is ready and willing to abide by any conditions that may be imposed for granting permission to travel to London and he will appear before the court as per the direction of this court. It is needless to say that, just because a person is accused of commission of certain offences, that will not totally bar him from traveling abroad. But at the same time, the court has to see that the presence of the accused is secured for progress of the case. Considering the apprehension expressed by the prosecution through its objection, this court is of the considered view that, if the suitable conditions are imposed on accused No.6 for traveling to London, that will meet with the apprehension of the prosecution. Even, suitable security could be taken from the accused for ensuring his due appearance before this court. Therefore, this court is of the considered view that the permission could be granted to accused No.6 to travel to London as prayed in the application, with suitable conditions. Under the facts and circumstances of this case, it is just and proper to direct the accused No.6 to deposit cash security of Rs.2 lakhs which would be returned to him on his return and thereby, no prejudice will be caused to him. Accordingly, this court is of the considered view that the accused No.6 has made out the grounds for allowing the application with suitable conditions. Accordingly, point No.1 is answered in the affirmative.

10. **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 439(1) (b) of the Cr.P.C., on behalf of accused No.6 is hereby allowed.

The accused No.6 is permitted to travel to London in between 25.06.2025 and 10.07.2025 as prayed, subject to the following conditions;

1. The accused No.6 shall deposit cash security of Rs.2 lakhs for his due appearance before this court and he can claim the refund of the said amount after his due appearance before this court in compliance of this order.
- 2) The accused No.6 shall give separate undertaking that, in the event of his failure to appear before the court at the end of the permitted period, the cash security amount deposited by him be forfeited to the State and that he will appear before this court as and when directed by this court, if his presence is ordered by this court

during the period of his stay at abroad
as permitted.

- 3) The accused No.6 shall furnish travel
itinerary and shall also disclose his
stay details, contact number, e-mail
address.

(Typed on my dictation by the Stenographer Gr.I,
corrected, signed and then pronounced by me in open
Court on this the 16th day of April, 2025)

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