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**IN THE COURT OF XXI ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE AND PRINCIPAL SPECIAL JUDGE
FOR CBI CASES, BENGALURU CITY [CCH-4]**

**Present: SRI.MANJUNATH SANGRESHI B.A.LL.B [HONS.]
XXI Addl.City Civil & Sessions Judge
& Principal Spl.Judge for CBI Cases
Bengaluru.**

Dated this 17th day of July 2026

Crl.Misc.No.6360/2026

PETITIONER : Sri. Mohammed Idrees,
S/o Late Mohammed Sab,
Aged about 62 years,
Partner of M/s. KGN Electricals,
Presently R/at.Flat No.201,
Prestige Aboshot,
Near Winsor Manor Hotel,
Opp. Bangalore Golf,
Bangalore – 560 001.

**[By Sri. A.Sanjay Kumar,
Advocate]**

V/S.

RESPONDENT : Central Bureau of Investigation
EOB, Chennai

[By Senior Public Prosecutor]

ORDER

The instant petition has been filed by the petitioner herein/ accused No.13 U/Sec.439(1)(b) of Cr.P.C., seeking relaxation/modification of condition No.4 imposed in the order dated:03.11.2025 passed by learned XVII ACJM, Bangalore in C.C.No.28177/2025, while granting bail to him.

2. The brief facts leading to this petition are that, the respondent police have registered an FIR against M/s. Deepak Cables and other accused in R.C.No.6(E)/2022 on the basis of complaint filed by one Sri. S.R. Madhukar, Assistant General Manager, Punjab National Bank for the offences punishable U/Sec.420, 467, 468, 471 r/w Sec.120B of IPC and U/Sec.13(2) r/w 13(1)(d) of P.C. Act. After completion of investigation, the IO has filed Charge-Sheet against 14 persons/entities including the petitioner herein, showing him as accused No.13, for the offences punishable U/Sec.420, 468 and 471 r/w Sec.120B of IPC. Accordingly, based on the Charge-Sheet, the learned Magistrate has taken the cognizance of the offences against the accused persons including the petitioner herein for the aforesaid offences and registered a criminal

case in C.C.No.28177/2025 and issued summons to the accused. Subsequent to the summons, this petitioner herein has appeared before the learned Magistrate and filed an application U/Sec.437 of Cr.P.C., seeking bail and the learned Magistrate has allowed his application and granted bail to the petitioner subject to conditions. One of the such condition is that '*petitioner shall surrender his passport*'. Thus, aggrieved by the said condition No.4 of the bail order, the petitioner herein has approached this court under Sec.439(1)(b) of Cr.P.C. seeking relaxation/deletion/modification of the said condition. Hence, this petition.

3. The petitioner has made out the grounds in his petition as under;

i) The petitioner herein is the Managing Partner of M/s. KGN Electricals and is carrying on business of Electrical and Civil construction works since 1995. During the course of business, the petitioner through his firm has carried out contract works of State and Central Government entities and also sub-contract of private entities pertaining to electrical works such as power stations, Transmissions lines and other related works on turnkey basis. He is presently carrying on works in several projects also. As such, for the purpose of his business, he is required to travel abroad to get

acquainted with latest advance technical aspects and implement the same for the smooth functioning of his business. The petitioner was holding valid passport bearing No.Y1491363 having validity till 05.04.2034.

ii) The petitioner, in the ordinary course of his business, is required to travel outside the country on a frequent basis. As such, the surrender of his passport before the trial court would severely prejudice his business interest and cause irreparable loss.

iii) In view of the business activities of petitioner, it is imperative that the condition No.4 imposed by the Learned Magistrate on the petitioner be relaxed/ modified and the petitioner be permitted to retain his passport by directing the Learned Magistrate to return the passport of the petitioner so as to enable him to travel abroad for the purpose of carrying on his business ventures in the ordinary course, without undue hindrance.

iv) On perusal of entire Charge-Sheet, it would reveal that, apart from a bald averment that the petitioner has aided accused No.1 in creating a round-tripping transaction, no further particulars including the quantum of such transaction and the consequent loss is forthcoming. Other than the allegation of aiding and assisting the accused No.1, no direct involvement is alleged against the petitioner in defrauding or causing loss to the complainant.

v) The respondent police had not arrested the petitioner during the course of investigation; this

itself would indicate the fact that they did not have any apprehension that the petitioner would abscond, nor his custodial investigation was deemed necessary. Hence, the condition imposed by the learned Magistrate to surrender the passport would frustrate the very grant of bail. Though the petitioner had diligently surrendered the passport, the condition No.4 is now being challenged as the petitioner now intends to travel abroad for work and pilgrimage purpose.

vi) The right to carry on trade or business and right to travel abroad in pursuit of legitimate professional and for pilgrimage is a fundamental right, as held by the Hon'ble Apex Court in catena of its judgments. Therefore, if the said condition No.4 is not relaxed and the passport is not handed over to be kept in possession of the petitioner, the petitioner's fundamental right to travel abroad under Article 21 and Article 19(1)(g) of the Constitution of India will be defeated.

vii) This court in Crl.Misc.No.1260/2026 filed by accused No.8 in C.C.No.28177/2025 was pleased to set aside the condition No.4 imposed by the learned Magistrate vide order dated 03.11.2025. the petitioner herein is seeking for set aside of the said condition No.4 only as such on grounds of parity the present petition deserves to be allowed.

viii) The petitioner undertakes to strictly comply with all conditions imposed by the learned Magistrate and undertakes to abide by any further condition that may be imposed by this court. That if said condition No.4 in the operative portion of the

order of the learned Magistrate dated 03.11.2025 is not modified or deleted, it will cause great hardship to the petitioner and on the other hand, there will be no any hardship caused to the prosecution/respondent police on setting aside the condition No.4 of the impugned order.

ix) That, imposing condition No.4 would hurdle the very right to travel by the petitioner herein. If even the condition No.4 is relaxed or set aside, there is no apprehension for the prosecution as condition No.5 of the learned Magistrate specifically states that the petitioner shall not leave India without permission of the court. Therefore, setting aside of condition No.4 will not cause any prejudice to the case of the prosecution as the apprehension of the prosecution could be met by the condition No.5. Accordingly, it is prayed to allow the petition as prayed for.

4. The learned Senior Public Prosecutor has submitted objections/counter of the respondent CBI to the instant petition; wherein it is stated that, the petition is not maintainable either in law or on facts. That the petitioner has not brought on record any proof showing that he regularly visit abroad in connection with his business. That the right to travel abroad is not absolute and is subject to various restrictions. The petitioner has involved in serious economic offences involving huge loss

caused to public money. The trial court is absolutely right in withholding their passports. Therefore, getting the passport released from the Trial court is just a step to open their options to flee the country if the trial goes against them. Accordingly, it is prayed to dismiss the application as devoid of merits.

5. Heard both side and perused the records.

6. For disposal of this petition, the following points would arise for my consideration:

1. Whether the petitioner has made out valid grounds to allow his petition filed U/Sec.439(1)(b) of Cr.P.C. ?
2. What order ?

7. My findings to the above points are as under;

Point No.1: In the Affirmative

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

REASONS

8. **Point No.1:** On perusal of records, it is seen that, the respondent/CBI have submitted a Charge-Sheet before the learned XVII ACJM, Bengaluru against the petitioner herein and other accused for the offences punishable U/Sec.420, 468 and 471 r/w Sec.120-B of IPC. That after taking cognizance of the said offences, the

learned XVII ACJM, Bengaluru has registered a criminal case in C.C.No.28177/2025 and accordingly, issued summons to the petitioner herein and other accused. On 03.11.2025, the petitioner herein has appeared before the learned Magistrate and filed a bail application U/Sec.437 of Cr.P.C., and the said bail application was allowed by the learned Magistrate subject to conditions. However, at condition No.4, the learned Magistrate has directed the accused persons including the petitioner herein to surrender their passports if any or file an affidavit stating that they do not have passport. Aggrieved by the said condition, the petitioner herein has approached this court seeking cancellation/relaxation of said condition.

9. It is argued by the learned senior counsel for the petitioner that, the petitioner herein is the Managing Partner of M/s. KGN Electricals and is carrying on business of Electrical and Civil construction works since 1995. He is presently carrying on works in several projects also. As such, for the purpose of his business, he is required to travel abroad to get acquainted with latest advance technical aspects and implement the

same for the smooth functioning of his business. The petitioner was holding valid passport bearing No.Y1491363 having validity till 05.04.2034. The petitioner, in the ordinary course of his business, is required to travel outside the country on a frequent basis. As such, the surrender of his passport before the trial court would severely prejudice his business interest and cause irreparable loss. On perusal of entire Charge-Sheet, it would reveal that, apart from a bald averment that the petitioner has aided accused No.1 in creating a round-tripping transaction, no further particulars including the quantum of such transaction and the consequent loss is forthcoming. Other than the allegation of aiding and assisting the accused No.1, no direct involvement is alleged against the petitioner in defrauding or causing loss to the complainant. Hence, the condition imposed by the learned Magistrate to surrender the passport would frustrate the very grant of bail. Though the petitioner had diligently surrendered the passport, the condition No.4 is now being challenged as the petitioner now intends to travel abroad for work and pilgrimage purpose. The right to carry on trade or business and right to travel abroad in pursuit of

legitimate professional and for pilgrimage is a fundamental right, as held by the Hon'ble Apex Court in catena of its judgments. That, imposing condition No.4 would hurdle the very right to travel by the petitioner herein. If even the condition No.4 is relaxed or set aside, there is no apprehension for the prosecution as condition No.5 of the learned Magistrate specifically states that the petitioner shall not leave India without permission of the court. Therefore, setting aside of condition No.4 will not cause any prejudice to the case of the prosecution as the apprehension of the prosecution could be met by the condition No.5. Accordingly, it is prayed to allow the petition as prayed for.

10. On perusal of the impugned order passed in C.C.No.28177/2025, it is seen that, while granting bail to the accused No.13/petitioner herein, the learned Magistrate has imposed five conditions. Among the said conditions, conditions No.4 and 5 read as under:

Condition No.4: *The accused persons shall surrender the passports if any, or file an affidavit stating that they do not have passport.*

Condition No.5: *The accused persons shall not leave India without prior permission of this court.*

11. Thus, it appears that, imposing condition No.4 would hurdle the very right of petitioner herein to travel abroad. If even the condition No.4 is relaxed or set aside, there is no apprehension for the prosecution as condition No.5 of the learned Magistrate has specifically states that the petitioner shall not leave India without permission of the court. Therefore, setting aside of condition No.4 will not cause any prejudice to the case of prosecution as the apprehension of the prosecution could be met by the condition No.5.

12. The Hon'ble Supreme Court, time and again, in catena of judgments, has repeatedly held that, the bail conditions can legitimately be imposed both in context of bail and anticipatory bail. Further, the Hon'ble Supreme Court, often and often, cautioned the criminal courts to take extreme care in imposing conditions. Moreover, when a person is made to surrender his passport, it curtails his right to movement beyond his country. Thus, the imposition of condition No.4 is not warranted so far as the petitioner herein is concerned, considering the nature of his business and frequent travel to abroad. In view of the same, the petitioner herein has made out a

valid ground to relax/set aside the condition No.4 of the impugned order. Accordingly, I answered the Point No.1 in the ***Affirmative.***

13. **Point No.2:** In the light of above discussion, I proceed to pass the following;

ORDER

The application U/Sec.439(1)(b) of Cr.P.C., filed by the petitioner herein is hereby allowed.

Accordingly, the condition No.4 imposed by the learned Magistrate in C.C.No.28177/2025 vide order dated:03.11.2025 is hereby set aside, so far as this petitioner is concerned.

However, the other conditions of the impugned order are not disturbed.

[Dictated to the Stenographer Grade I directly on computer, typed by him, corrected and then pronounced by me in the open court on this 17th day of July-2026].

[Manjunath Sangreshi]
XXI Addl.City Civil & Sessions Judge
& Prl. Spl. Judge for CBI Cases
[CCH-4], Bengaluru.
