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Special Case ACB No.18/2011

CNR No. MHPU010087642011

CBI,

Vs.

R. Balasubramanian and others

ORDER BELOW EXH.528

The applicant/accused No.6 namely **Ashok Kumar Chopra** has filed the present application for grant of permission to travel to Canada from 01/07/2025 to 30/09/2025.

2] Perused application filed by applicant/accused. Also perused the say of Ld. PP and record. Heard both sides.

3] It is contention of the applicant/accused that the applicant/accused is permanent resident of Alwar, Rajasthan. He is residing there with his family. The applicant/accused is law abiding citizen and is having deep roots in the society. The applicant/accused was serving with a reputed company i.e. Ashok Leyland Limited on a senior position and he is retired in the year 2017. The applicant/accused has been implicated as an accused in connection with FIR No.RC/Pune/2010/A008. Thereafter, CBI has filed the charge-sheet against the applicant/accused. The applicant/accused has preferred an application for discharge before the Hon'ble High Court and the proceeding has been stayed by the Hon'ble Bombay High Court.

4] It is contended that the applicant/accused is required to travel out of India from 01/07/2025 to 30/09/2025

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i.e. to Ontario, Canada as his daughter is residing there and at present she is pregnant. He needs to travel Canada as he needs to assist his daughter during the delivery. The applicant/accused is ready to secure his presence through his Advocate duly appointed by him and he is also ready to appear before Court through Video Conferencing. The matter is stayed, therefore, there is no possibility that the matter can be heard on the top priority. The applicant/accused will secure his presence and intimate this Court after he returns back from Ontario, Canada. It is contended that the applicant/accused will remain present on the date fixed by this Court at all stages personally or through his lawyer during his stay at Canada Therefore, it is prayed to allow the present application.

5] *Per contra*, the Ld. PP. for CBI has filed his say vide Exh.532 and strongly opposed the application contending that case was registered by CBI against the accused persons for the offence punishable under section 120B read with sections 420, 465 of the Indian Penal Code and under sections 13(2) read with section 13(1)(d) of the Prevention of Corruption Act. It is contended that there is prima facie case against the applicant/accused for serious offence. There is no compelling or urgent medical evidence provided by applicant/accused to substantiate his claim. The applicant/accused has failed to furnish any medical certificate or formal documentation regarding health of his daughter or the necessity of his immediate presence. The charges have not yet been framed in the instant case and it is highly apprehended that if the

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applicant/accused is permitted to travel abroad, he may not return and face the trial. Therefore, it is prayed to reject the application.

6] On perusal of record, it appears that the applicant/accused and other co-accused have been charge-sheeted for the offences punishable under sections 511 read with sections 120B, 420, 465, 467, 471 of the Indian Penal Code and under sections 7, 13(2) read with section 13(1)(d) of the Prevention of Corruption Act. In the present matter the charge has yet not framed. The applicant/accused had preferred discharge application, which is subsequently rejected by this Court. The applicant/accused has preferred Revision Application before the Hon'ble High Court and the said matter has been stayed by the Hon'ble High Court. The applicant/accused has filed affidavit to support his contentions. The applicant/accused is ready to co-operate with the trial. The matter has been stayed by the Hon'ble High Court, so, the trial will take its own time to complete. It is pertinent to mention that if the presence of applicant/accused is required before this Court, he can be called at any point of time, whenever required by this Court. Therefore, there is no impediment to permit the applicant/accused to travel abroad from 01/07/2025 to 30/09/2025 on certain conditions. Hence, I proceed to pass following order -

- i) Application below Exh.528 is hereby allowed.

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- ii) Applicant/accused No.6 namely **Ashok Kumar Chopra** is permitted to travel abroad to Canada for the period from 01/07/2025 to 30/09/2025.
- iii) The order is subject to condition that applicant/accused shall furnish his email address, valid mobile/cell number and detail addresses of his stay at Canada during aforesaid period to CBI.
- iv) The applicant/accused shall deposit Rs.50,000/- in this Court on or before 30/06/2025 as a security deposit for his proposed travel, which shall not carry any interest.
- v) The applicant/accused shall give an undertaking that if his presence is required before this Court during the aforesaid period he shall come back on receipt of summons/notice on his email address.
- vi) The applicant/accused shall furnish his detailed schedule of travel to CBI before leaving India.
- vii) The applicant/accused shall submit appearance report and copy of passport showing entries in respect of the schedule for which the permission is granted, after his arrival in India.
- viii) After arrival of the applicant/accused and compliance of above mentioned conditions, the amount of security deposit Rs.50,000/- be returned to the applicant/accused.

Date – 13/06/2025.

(R.R. Mendhe)
Special Judge (CBI-ACB cases)
Pune.

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CERTIFICATE

I affirm that the contents of this PDF file order are same word for word as per original order

Name of Steno : I.E. Deshmukh
(Steno Grade-I)

Court Name: : Shri. R.R. Mendhe
Special Judge (CBI-ACB), Pune.

Order signed by PO : 13.06.2025.

Date of PDF : 13.06.2025.

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