

Ct. Case No. 122/2021
DoE vs. M/s Unitech Limited

23.09.2025

Present: Ld. SPPs for ED Sh. N.K. Matta (through VC) and Sh. Simon Benjamin along with Ld. Advocates Sh. Aditya Raj Sharma, Sh. Harshit Gupta, Ms. Kanupriya Mehta, Sh. Shaurya Bal and Sh. Kartik Malhotra.
Sh. H.S. Bhullar, Ld. Counsel for applicant/accused Rajesh Malik through VC with Ms. Ekta Chandani and Ms. Shilvin Marandi, Ld. Counsels for Rajesh Malik with Rajesh Malik in person.
Sh. Prince Raushan, Sr. Passport Assistant.

Sh. Prince Raushan, Sr. Passport Assistant requested for some more time to file reply on behalf of passport department.

IA No.31/2025: This is an application filed on behalf of accused Rajesh Malik for permission to travel abroad to Switzerland and Germany for the period i.e. from 23.10.2025 to 10.11.2025.

The matter is fixed for order on the application.

Arguments already heard.

Ld. Counsel for applicant/accused has argued that the applicant was arrested on 04.10.2021 and he was granted bail by this Court on 15.07.2023 with the condition that accused / applicant shall surrender his passport and shall not leave India without prior permission of this Court. It is further argued that accused is required to travel from 23.10.2025 to 10.11.2025 to Switzerland and Germany to accompany his daughter for her admission to an MBA program for the specific purpose of visiting and evaluating the campuses of IMD Business School, Lausanne (Switzerland) and Frankfurt School of Finance and Management, Frankfurt

(Germany) so that she can select right institution for her post-graduate studies. The applicant will also be traveling internally by train and the copy of the travel itinerary is annexed with the application. The applicant has scrupulously complied with all conditions of bail and ever never misused the liberty granted to him and has cooperated with the investigation and trial proceedings. It is further argued that applicant will not dispute his identify during his stay abroad and will be authorizing his counsels to appear and accept notice or conduct proceedings in his absence. Hence, it is prayed that the applicant may be granted permission to travel to Switzerland and Germany for the period i.e. from 23.10.2025 to 10.11.2025.

On the other hand, Ld. SPP for ED has opposed the application and has submitted that role of the applicant is specific. The applicant floated a company namely M/s Carnoustie Management (India) Pvt. Ltd. (CMPL) and assisted Sh. Ramesh Chandra and other accused in generation of proceeds of crime of Rs.380.80 crores and laundering of the same in his concern CMPL under the garb of share premium/loan/consultancy fee etc. Accused was enquired about the real reason and modus operandi regarding the huge funds into CMPL however he gave evasive and technical replies without providing details of the underlying deal. Accused also controlled and managed 23 subsidiaries of CMPL and he was also instrumental in multiplication of proceeds of crime. The applicant was involved in the offence of money laundering and he has been instrumental in laundering the proceeds of crime to UK

through Cyprus and acquired a hotel in Central London and in charge of the affairs of the CMPL and its subsidiaries. Applicant is involved in a very serious economic offence and is not entitled to any discretionary relief and there is every likelihood that the accused would influence the witnesses, tamper with the evidence and hamper further investigation in the present case. If the applicant is allowed to travel abroad, there is serious apprehension that he is likely to be at flight risk putting the trial in jeopardy. Hence, the application may be dismissed.

This Court has considered the submissions and perused the record.

Accused/applicant Rajesh Malik was arrested in the present matter on 04.10.2021 and he was released on bail on 15.07.2023. Record would show that prior to moving of present application, the applicant has never sought permission to travel abroad since the date of his release on bail.

The applicant/accused is seeking permission to travel to Switzerland and Germany from 23.10.2025 to 10.11.2025 to fulfill his obligation as a father as he has to accompany his daughter for her admission in MBA program by visiting and evaluating the campuses at Lausanne, Switzerland and Frankfurt Germany. The conduct of the applicant post his grant of bail does not show that he has in any way tried to hamper the investigation. The complainant / ED has not brought any material to show that the applicant/accused has hampered the investigation or tried to evade the proceedings after release on bail.

In the aforesaid facts and circumstances, this Court deems it fit to grant permission to applicant/accused Rajesh Malik to travel to Switzerland and Germany from 23.10.2025 to 10.11.2025, subject to reasonable conditions to ensure his presence during trial.

Permission is granted to applicant/accused to travel to Switzerland and Germany from 23.10.2025 to 10.11.2025 on following terms and conditions:

1. Applicant / accused shall give an undertaking in the form of an affidavit stating that he will personally appear before the Investigating Officer / this Court as and when directed by the Court.
2. Applicant / accused shall also specify in such affidavit his detailed residential address in Germany and Switzerland.
3. Applicant / accused shall authorize/nominate one person having local address in Delhi to accept summons / notices on his behalf during this period of travel.
4. Applicant / accused shall furnish his full size photograph duly attested by him.
5. Applicant / accused shall give an undertaking in form of affidavit that he shall not hamper the investigation.
6. Applicant / accused shall furnish **personal bond in sum of Rupees Five Lakhs. The applicant shall furnish an FD of Rupees Five Lakhs towards his personal bond. He shall also furnish one surety bond in sum of Rupees Five lakhs.**
7. Applicant / accused shall produce his surety, who has furnished surety bond after his grant of regular bail and the said surety shall give his no objection regarding travel abroad of the accused for the aforesaid period.

8. Applicant / accused shall also place on record his tickets of travel to Germany and Switzerland and his return tickets to India.

The Look Out Circular (LOC), if any, issued by the Enforcement Department against the accused shall be suspended during the period when the accused travels to Switzerland and Germany in accordance with this order. The Enforcement Department shall take appropriate steps for suspension of LOC issued against the applicant / accused.

The application stands disposed of accordingly.

Copy of this order be given dasti to the parties.

Be put up for filing of reply on behalf of passport department and arguments and for consideration on the supplementary complaint on **10.10.2025**.

Be put up for date fixed i.e. **26.09.2025**.

(NEHA)
ASJ-06 / New Delhi District
Patiala House Court/23.09.2025