

Vanita Ruth Telgote vs. State of H.P.

CRMMO No.73 of 2025

13.02.2025 Present : Ms. Srishti Verma, Advocate, for the petitioner.

Mr. Amandeep Sharma, Additional Advocate General, for the respondent-State.

Heard.

Notice. Mr. Amandeep Sharma, Additional Advocate General, appears and waives service of notice on behalf of the respondent-State Authorities. As prayed for by Learned State Counsel, let Status Report be filed in two weeks.

List the matter before the appropriate Bench on **28.02.2025.**

2. Upon listing of this case today, learned counsel for the petitioner, in support of the present petition, i.e. CRMMO No.73 of 2025, has filed an application, i.e. CRMPST No.1014 of 2025, in the Court today for placing on record the additional documents in support of her claim, at this stage.

Cr.M.P. No. / 2025 [CRMPST No.1014 of 2025]

Be registered.

Since, the application is formal in nature, intending to place on record the Air Tickets, the

instant application, i.e. CRMPST No.1014 of 2025, is allowed and is disposed of accordingly.

3. Petitioner, Ms. Vanita Ruth Telgote, has come up before this Court by way of instant petition, seeking setting aside or modification of the condition contained in the bail order, i.e. in B.A. No.11 of 2025 dated 24.01.2025 [Annexure P-1], passed by learned Sessions Judge, Kullu, District Kullu, which reads as under:-

“Further, bail petitioner is directed to deposit her passport with the I.O., who shall keep the same in safe custody.”

4. Prayer for seeking modification or setting aside of aforesaid condition, contained in the bail order dated 24.01.2025 [Annexure P-1], has been made on the ground, that the bail petitioner is employed in Digital Private School, Muscat, Oman and Principal of said School, as per communication *dated 11.02.2025 [Taken on record]*, had directed the petitioner to attend School for MYP verification, on 19.02.2025 in-person. The communication, further reveals that, in case, the petitioner does not appear for MYP verification on 19.02.2025, then, the petitioner shall be treated to be not interested for the job, which shall resulting

in depriving and divesting the petitioner of his job and right to earn her livelihood also. As a sequel to this, the petitioner has placed on record flight tickets, showing her departure from Mumbai to Oman on 16.02.2025, along with return ticket, showing her arrival at Mumbai on 30.03.2025 [*Taken on record*].

5. Upon listing of this case, Learned State Counsel, opposes the application, only to the extent, that stringent conditions may be imposed upon, the bail petitioner, so as to ensure her arrival in India at Mumbai and thereafter, to ensure her participation in further investigation before the Investigating Officer at Manali or the learned Trial Court at Kullu, in future.

6. Taking into account the entirety of the facts and circumstances, this Court is of the considered view, at this stage, that mere accusation, cannot be a ground for depriving the petitioner of his right to earn a livelihood, under Article 21 of the Constitution of India, by going abroad, on the basis of her Passport. Any onerous condition in the bail orders, which deprives or negates the fundamental right to go abroad for earning her livelihood cannot be permitted to operate. Object of bail is only to ensure that an accused appears before the

Investigating Authorities and the Trial Court.

7. In these circumstances, notwithstanding the conditions contained in the order dated 24.01.2025 [Annexure P-1], passed by learned Sessions Judge, Kullu, this Court, at this stage, in the interregnum, passes the following directions, subject to observance of following conditions:

- (i) Bail petitioner [Ms. Vanita Ruth Telgote] herself or through her surety shall approach the Investigating Officer concerned for handing over the Passport hereinafter;
- (ii) Respondents-State Authorities-Investigating Officer concerned, on appearance of the bail petitioner herself or through her surety, shall handover the Passport to the concerned forthwith;
- (iii) State Authorities-Investigating Officer is directed to permit the Bail petitioner [Ms. Vanita Ruth Telgote] to appear herself or through video conferencing or through surety so as to give effect to the directions contained in Conditions (i) and (ii) hereinabove at this stage;
- (iv) Before handing over the Passport, respondents-State Authorities-Investigating Officer concerned, shall procure the functional Email ID and the operational mobile/WhatsApp number of the petitioner also;
- (v) Bail petitioner [Ms. Vanita Ruth Telgote] shall also furnish the functional Email ID of Principal, Digital Private School, Muscat, Oman;
- (vi) Bail petitioner [Ms. Vanita Ruth Telgote] upon arrival in India [Mumbai] on 30.03.2025, shall report in-person to the Investigating Officer concerned on or

before 05.04.2025;

- (vii) Bail petitioner [Ms. Vanita Ruth Telgote] shall not involve herself in any offence, abroad or in country, hereinafter, which shall disentitle her for dis-continuance of concession of bail;
- (viii) Directions contained hereinabove, shall be treated to be eased out, in case, the petitioner is required to remain abroad, at Oman beyond 30.03.2025, upon due certification of continuation of employment of petitioner by Principal, Digital Private School, Muscat, Oman, sent to the Investigating Officer concerned;
- (ix) However, it is clarified that non-appearance upon commencement of Trial, shall entail cancellation of the directions passed hereinabove;
- (x) Investigating Officer concerned is free to impose any other just and reasonable conditions, if any, in peculiar facts and circumstances hereinabove.

8. Question qua validity of condition [as detailed in para 3 above] shall be examined hereinafter.

9. List the matter before the appropriate Bench on **28.02.2025**.

(Ranjan Sharma)
Vacation Judge

13th, February, 2025
(Pardeep/Kiran)