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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 585/2020
NITYA NAND GAUTAM Appellant

Through: Mr. AM Tripathi, Adv.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Ms. Tarannum Cheema, Ms. A.

Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **24.01.2023**

CRL.M.A. 27391/2022-PERMISSION TO TRAVEL ABROAD

This is an application filed seeking permission to the appellant to travel to Dubai for a period of one month from 15.02.2023 to 15.03.2023.

My attention has been drawn to an email dated 09.12.2022, wherein the daughter of the petitioner has written an email to the petitioner requesting him to visit her at Dubai.

The status report has been filed wherein it has been stated that there are no documents supporting the application except the email.

Mr. Tripathi, learned counsel for the appellant states that the appellant was waiting for an order from the Court before booking his tickets or applying for VISA. The explanation seems to be satisfactory.

The appeal is against an order of conviction dated 06.10.2020 and sentence dated 26.10.2022, wherein the appellant has been sentenced to 3 years rigorous imprisonment and a fine of Rs. 1 lakh respectively. The fine stands deposited and the sentence has been suspended during pendency of the appeal.

According to me, the right to travel is a valuable fundamental right and should be curtailed only in exceptional circumstances. Pendency of an appeal where the sentence has been suspended does not come within the purview of an exceptional circumstance.

In this view of the matter, the application is allowed and the appellant is permitted to travel to Dubai to meet his daughter from 15.02.2023 to 15.03.2023 on the following terms and conditions:-

- i. The appellant shall furnish a personal bond with a surety bond in the sum of Rs. 100,000/- each, to the satisfaction of the Special Judge;
- ii. The appellant shall provide his mobile number to the Investigating Officer (IO) concerned, which shall be kept in working condition at all times. The appellant shall not switch off, or change the same without prior intimation to the IO concerned;
- iii. The appellant will furnish his address to the IO where he would be residing in Dubai and will not travel out of Dubai;
- iv. The appellant shall inform the IO on his return from Dubai;
- v. The appellant shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any.

The application is allowed and disposed of in the aforesaid terms.

JASMEET SINGH, J

JANUARY 24, 2023 / (MS) [Click here to check corrigendum, if any](#)