

**O R D E R**

The accused No.1 has filed an application seeking permission to travel Abroad for the purpose of his business development and also for the purposes of the state affairs.

Learned counsel for the complainant filed objection to the application.

Heard, perused the application, objection and the records.

It is revealed from the records that, while enlarging this accused No.1 on bail this court has imposed a specific condition that the accused shall not leave the country without permission of this court. As such, this accused could not travel Abroad for any purpose without permission of this court. Hence, this accused has rightly filed this application.

The grounds urged for seeking such permission to travel Abroad is that he needs to travel Abroad over a period of 2 years for his business requirements as well as official requirements as a state representative as the Deputy Chief Minister of the State holding the ministry of minor irrigation and also Bengaluru Urban Development.

Admittedly, as alleged in the complaint this accused is one of the business Associates of accused No.3 engaged in the business of transportation through the concern by name M/s. Sharma Transports. Similarly he is also running other business like education institution. As such there is no dispute as to the occupation of accused No.1 as a business man. Similarly it is not in dispute that this accused is the present Deputy chief Minister for the State holding the portfolio of minor irrigation and Bengaluru Development. As such it appears that this accused may be required to travel to different countries in connection with the development or improvement of his business in his personal capacity and in connection with development of different schemes and projects under his portfolio like minor irrigation and Bengaluru Development. Therefore, the grounds urged for seeking permission to travel appear to be genuine and bonafide.

The Spl.P.P appearing for the complainant though filed an objection he has not seriously objected for granting such permission to this accused except contending that such permission for such a long period of 2 years is not maintainable as the same amounts to recalling the condition of bail. In this regard it is submitted by the counsel for the accused that in order to avoid the limitation of seeking permission from time to time and to meet the exigencies of the urgent travel to Abroad, this court had granted permission for renewal of the passport of this accused for a period of three

years by its order dated 29.09.2023. Accordingly, this accused got renewal of his passport for a period of five years. As the process of Visa may take time from one month to six months by the concerned authorities of respective countries, this court has granted such permission. Similarly it may not be possible or it may be difficult for him to approach this court and obtain permission on every such occasion of his travel to Abroad and more so it is also a burden on this court to consider such repeated applications. As such keeping in view the frequency of requirements of this accused to travel to Abroad on his personal business as well as the Government Official dealings, he is seeking such permission for such a period of 2 years.

Upon considering the status of accused No.1 both in his personal capacity and official capacity, this court is of the opinion that the submission made by the counsel for the accused appear to be correct and bonafide in the interest of the accused representing the state and also interest of this court.

That apart, it is pertinent to note that, the accused No.3 of this case has already been granted such permission for a period of 8 months to travel Abroad as revealed from records. That being the case, the said benefit cannot be denied to this accused because of the doctrine of parity. As held by **Hon'ble High Court of Karnataka in the case of A.V. Vinoda and Another V/s State of Karnataka in W.A. No.932 – 933 1974** 'like cases should be treated alike and if relief is granted to a litigant similar relief cannot be denied to other similarly circumstanced litigants, subject to all just exceptions'. The Lrd. Advocate complainant also in his objections not made out any such factors or exceptions in the case of this accused when compared to the accused No.3. However, he has submitted that this accused may be granted such permission by imposing further conditions to be personally present before this court on next date of hearing. Except, this the Lrd counsel for the complainant has not stated any grounds to reject the application filed by this accused. Further it is also pertaining to note that on the ground of doctrine of parity this court is already granted such permission this accused for a period of one year by order dated 22.08.2024. More so, it also appears proper to note that, the proceedings of this case have been stayed by the Hon'ble Apex court in Special Leave Petition (Criminal) No.5487/2021 & 11386/2019. That being the case, the personal presence of accused in this case may not be required until further orders from Hon'ble Apex court. Therefore, this court proceeds to pass the following:-

## O R D E R

The application filed by the accused No.1 is allowed.

The accused No.1 is permitted to travel Abroad to U.S.A, European Countries, U.K, Australia, Russia and Arab Nations over a period of two years from today with following conditions;

1. He shall intimate the schedule and details of his travel and visit to each of said countries periodically to the investigating agency in advance.
2. He shall be present before this court as and when directed to do so.
3. In the event of any default on the part of this accused, the investigating agency or the prosecution is at liberty to make necessary application.

Call on hearing date 10.06.2026.

**(K.N. SHIVAKUMAR)**  
XLII Addl.CJM, Bengaluru