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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010446482026

+ CRL.M.C. 6963/2026, CRL.M.A. 29140/2026, CRL.M.A. 29141/2026, CRL.M.A. 29142/2026 & CRL.M.A. 29143/2026

NINA PRASAD

.....Petitioner

Through: Mr. Madhav Khurana, Sr. Adv. with
Mr. Nishaank Mattoo, Mr. Utkarsh
Aditya, Mr. Srajan Pandit, Mr. Soham
Rawal and Mr. Amit Badesra, Adv.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Ritesh Kumar Bahri, APP for the
State with Mr. Rishabh, Adv.
SI Vivek Kumar, PS: Tigri.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **18.09.2026**

1. By way of the present petition, the petitioner seeks the following reliefs:

"A. Set aside and quash the impugned order dated 15.09.2026 passed by the Ld. J.M.F.C.-04, South District, Saket Courts, Delhi in CR Case No. 3622 of 2026, titled State v. Sahil & Anr. and issue appropriate directions to the Ld. J.M.F.C.-04, South District, Saket Courts, Delhi to release the passport of the Petitioner to her;

B. Set aside and quash the impugned order dated 31.05.2024 passed by the Ld. A.S.J. (FTSC)(POCSO), South, Saket Courts, New Delhi, to the extent that it directs the Petitioner to surrender her passport and retain the same till further orders;

C. Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the



interest of justice.”

2. FIR No. 97/2021 was registered at PS Tigri, Delhi on 01.04.2021 under Section 306 IPC, on a complaint filed by the brother of the deceased, nearly seven months after the deceased is alleged to have committed suicide on 03.09.2020 at her rented accommodation. It is the case of the prosecution that the deceased was in a live-in relationship with accused no. 1, who allegedly subjected her to sustained physical, mental and financial exploitation, including pressurising her into availing loans in her own name. A suicide note allegedly recovered from the spot refers to a person described as ‘Nina ma’am’, stated to have telephoned the deceased two days prior to the incident and informed her that her services would be terminated.

3. The petitioner’s case is that she was working as Manager (Finance & Administration) with M/s Leonardo Aerospace Defence & Security India Pvt. Ltd. (‘LADS’), and that the deceased was never an employee of LADS or of the petitioner, but of M/s Nouvel Facilities India Pvt. Ltd., a manpower-supply agency that provided human resources to LADS. It is her case that she did not receive any communication from the Investigating Officer until 06.05.2024, more than three years after registration of the FIR, and that even on the case of the prosecution, the sole allegation against her is confined to the aforesaid telephonic communication.

4. The petitioner thereupon moved an application under Section 438 Cr.P.C. seeking anticipatory bail before ASJ (FTSC)(POCSO), South, Saket Courts, New Delhi. Interim anticipatory bail was granted on 10.05.2024 and extended on 15.05.2024. The application was finally allowed *vide* detailed order dated 31.05.2024, whereby anticipatory bail was granted to the petitioner subject to certain conditions, including condition (e), which reads



thus:

“(e) The applicant shall surrender her passport to this court/investigation officer forthwith. Her passport to be surrendered till further orders.”

5. The petitioner thereafter approached this Court in W.P.(CrI.) 2616/2024 seeking quashing of the FIR. By order dated 28.08.2024, this Court, upon a *prima facie* view of the allegations and the suicide note, stayed further investigation qua the petitioner, observing as under:

“20. Upon considering the allegations made in the subject FIR, and in particular, on a perusal of the suicide note allegedly left behind by the deceased, this court is of the prima-facie view that the ingredients of the offence under section 306 IPC are not made-out in the present case, inasmuch as the only overt act alleged on the petitioner’s part is that she had communicated to the deceased that if the loan sharks, who had been pursuing the deceased for refund of loan, continue to call the office and harass them, then the services of the deceased may be terminated. By no stretch of imagination can this be construed as an act intended to instigate, provoke, incite or encourage the deceased to commit suicide.

21. In the above view of the matter, considering that the petitioner is a 65-year-old lady and would inevitably face harassment if she is subject to investigation even though the ingredients of the offence are prima-facie not made-out, further investigation in the subject FIR and all proceedings emanating therefrom, insofar as they relate to the petitioner, shall remain stayed, till the next date of hearing.”

6. On 06.12.2025, upon a statement made by the Ld. ASC for the State that investigation could not be concluded on account of the stay, and an undertaking that it would be completed within six weeks, the petitioner volunteered to have the stay vacated and to join the investigation. By order dated 30.04.2026, this Court was informed that a new Investigating Officer had been assigned. On 25.08.2026, the respondents apprised this Court that a chargesheet had been filed against, *inter alia*, the petitioner.

7. The petitioner was formally arrested on 31.01.2026 and



simultaneously released, she being already on anticipatory bail. It is her case that, on account of inadvertence and oversight, she did not, at that stage, deposit her passport, and that the Investigating Officer, equally charged with ensuring compliance with the conditions of anticipatory bail, did not seek the same from her at the time of arrest.

8. It is upon her son's impending wedding in the United States of America that the petitioner enquired of her counsel regarding travel abroad, whereupon a perusal of the order dated 31.05.2024 revealed the existence of condition (e). The petitioner moved an application on 29.08.2026 to surrender her passport, disclosing therein the reasons for the delay, and surrendered her passport before the Trial Court on 03.09.2026, which was taken on record, without any show-cause being issued, and without the matter being referred to the ASJ for adverse action.

9. The petitioner thereafter moved an application dated 07.09.2026 seeking temporary release of her passport to enable her to travel to the United States of America between 25.09.2026 and 11.10.2026, to attend the engagement ceremony and court marriage of her son, placing on record her complete travel itinerary, return ticket, and the e-invite. The said application came to be dismissed by the Trial Court *vide* the impugned order dated 15.09.2026, which proceeds substantially on the ground that condition (e) was an unconditional direction to surrender the passport 'forthwith', that the stay dated 28.08.2024 suspended only 'further investigation' *qua* the petitioner and not the operation of the bail conditions, and that the delay of over twenty-seven months in complying with the direction remained without explanation.

10. Ld. Senior Counsel appearing for the petitioner submits, placing



reliance on **Suresh Nanda v. CBI**,¹ that a passport can be impounded only by the Passport Authority under Section 10 of the Passports Act, 1967, and that a court cannot, while granting anticipatory bail, direct surrender of a passport. The following passages are pressed into service:

“14. In our opinion, while the police may have the power to seize a passport under Section 102(1) CrPC, it does not have the power to impound the same. Impounding of a passport can only be done by the Passport Authority under Section 10(3) of the Passports Act, 1967.

15. It may be mentioned that there is a difference between seizing of a document and impounding a document. ... Thus, the word ‘impounding’ really means retention of possession of goods or a document which has been seized.

16. Hence, while the police may have power to seize a passport under Section 102 CrPC ... it does not have power to retain or impound the same, because that can only be done by the Passport Authority under Section 10(3) of the Passports Act. ...

18. In our opinion, even the court cannot impound a passport. Though, no doubt, Section 104 CrPC states that the court may, if it thinks fit, impound any document or thing produced before it, in our opinion, this provision will only enable the court to impound any document or thing other than a passport. ... Hence, impounding of a passport cannot be done by the court under Section 104 CrPC though it can impound any other document or thing.”

11. Reliance is further placed on **Lalit Kumar Babu Lal Tater v. Union of India**² and on **Raja v. The Inspector of Police**³, both of which follow **Suresh Nanda** (supra) to hold that continued retention of a passport by a court, once its object is served, is not proper and that the passport authorities alone can impound a passport. The relevant passage from **Lalit Kumar Tater** (supra) reads:

“7. ... In any case, no purpose will be served by allowing the trial court to retain the passport on its record. The passport except for the travel purpose is required for many other purposes i.e. for the purpose of

¹(2008) 3 SCC 674.

²MANU/DE/2007/2023.

³CrI. O.P. (MD) No. 6022 of 2026, decided on 06.04.2026 (Madras High Court).



identification etc.

8. Hence, I consider that the condition of the trial court imposed vide order dated 17.12.2016 is liable to be modified and the passport be released to the petitioner after retaining a copy of the same by the learned Trial Court. ...”

12. Ld. Senior Counsel, Mr. Madhav Khurana tenders an apology on behalf of the petitioner for the aforesaid inadvertent lapse, and submits that the petitioner never intended to derive any benefit from the non-surrender of her passport. The petitioner has also placed on record complete copies of her two passports before the Trial Court, which disclose no foreign travel at any point after she was enlarged on anticipatory bail on 31.05.2024.

13. Ld. APP for the State, while not disputing that the petitioner has not, in fact, travelled abroad at any point during the interregnum, does not concede that a delay of this magnitude in complying with an unconditional direction of a competent court can be treated as inconsequential, and adopts, in substance, the reasoning of the Trial Court.

14. On a consideration of the rival submissions, this Court finds that **Suresh Nanda** (supra) draws a distinction that cuts both ways in the present controversy. What is barred is ‘impounding’ of a passport, an act reserved exclusively for the Passport Authority under Section 10(3) of the Passports Act, 1967. A direction requiring an accused to deposit a passport with the court, as an incident of the recognisance furnished for bail, stands on a different footing, and has consistently been treated by courts, including in **Lalit Kumar Tater** (supra), as a condition that survives until varied by the court that imposed it. This Court is accordingly not persuaded that condition (e) of the order dated 31.05.2024 was without jurisdiction.

15. The petitioner is stated to be a 64 year-old woman with no



antecedents other than the present FIR. She is a permanent resident and owner of immovable property in Saket, South Delhi, where she has resided since 1975; and both her husband and her daughter hold Indian passports. This Court, in its order dated 28.08.2024 in W.P.(Crl.) 2616/2024, took a *prima facie* view that the ingredients of Section 306 IPC are not made out against the petitioner. In these circumstances, and having regard to the specific, verifiable and time-bound nature of the occasion for which release is sought, supported by a travel itinerary, return ticket and e-invite already on record, this Court finds it a fit case for grant of limited, safeguarded relief.

16. In ***Parvez Noordin Lokhandwalla v. State of Maharashtra***,⁴ the Supreme Court has recognised that a limited and safeguarded release of a passport may be permitted for a specific, verifiable purpose, notwithstanding a condition of surrender, provided the accused's conduct otherwise inspires confidence. Bearing in mind the totality of the facts noted above, the petitioner's age, her candid tender of apology, the absence of any actual foreign travel through the interregnum, and the acceptance of her surrendered passport without demur, this Court is satisfied that such an indulgence is warranted in the present case, subject to a proportionate and accountable condition.

17. A relaxation of this nature, found on an admitted, even if inadvertent, default, cannot be granted without some countervailing measure. Courts exercising jurisdiction over bail conditions have, in appropriate cases, innovated conditions in the interest of justice by directing accused persons to render community service, provided such a condition is voluntarily offered



and calibrated to the capacity and willingness of the person concerned.

18. In ***Sunita Gandharva v. State of Madhya Pradesh***,⁵ it was held that the power under Section 437(3) Cr.P.C. (and, correspondingly, under Section 480(3) BNSS) to impose ‘any other condition in the interest of justice’ extends to directing community service and other reformatory measures, so long as they are innovated with due regard to the accused’s capacity. The petitioner has, in the course of the hearing, herself volunteered a kind measure of accountability, which this Court accepts as being within her capacity and voluntarily offered.

19. In light of the discussion hereinabove, the following directions are issued:

- a) As an initial step, the petitioner shall, without delay and in any event by tomorrow, get in touch with a Government school situated within the NCT of Delhi, communicate the substance of this order, and request the school to indicate its requirement of essential furniture or other items, of a value of Rs. 2,00,000/-, by way of a proportionate and voluntarily offered measure of community accountability in lieu of the default noted above. The petitioner shall place on record, within seven days, before the Trial Court, proof of having so communicated with the school, along with the school’s response.
- b) Given that the process of ascertaining the requirement, and thereafter procuring and supplying the furniture or items so indicated, cannot realistically be completed before the petitioner’s

⁴(2020) 10 SCC 77.

⁵2020 (3) MPLJ (Cri.) 247



scheduled departure on 25.09.2026, the release of her passport shall not await completion of that process. It shall be sufficient that the petitioner has taken the initial steps set out in direction (a) above and placed the same on record.

- c) Upon the petitioner taking the steps directed in (a) above, the passport of the petitioner, presently lying deposited with the Trial Court, shall be released to her immediately.
- d) The petitioner shall complete the process of donation, including the actual supply of the furniture or items so indicated, within four weeks of her return to India, and shall place compliance on record before the Trial Court through counsel.
- e) Upon her return to India, the petitioner shall surrender her passport before the Trial Court immediately, and in any event not later than seven days of such return.

20. With these directions, the petition stands disposed of.

21. Pending applications, if any, also stand disposed of.

PURUSHAINdra KUMAR KAURAV, J

SEPTEMBER 18, 2026/P