



2025:DHC:3630



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

% *Judgment delivered on: 13.05.2025*

+ **CRL.M.C. 4215/2022 & CRL.M.A. 17327/2022**

DINESH ANEJAPetitioner

Through: Mr. Chirag Aneja, Advocate

versus

STATE THROUGH GOVERNMENT OF
NCT OF DELHIRespondent

Through: Mr. Manoj Pant, APP for State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J

1. The petitioner, by way of this revision petition, assails order dated 12.08.2022 [hereafter '*the impugned order*'] passed by the learned Additional Sessions Judge, Saket Court, New Delhi [hereafter '*Sessions Court*'] in SC No. 17/2018, arising out of FIR No.558/2016, registered at Police Station Ambedkar Nagar, Delhi for commission of offence under Sections 376/328/506 of the Indian Penal Code, 1860 [hereafter '*IPC*'].

2. The brief facts, leading to the filing of the present petition, are that the present petitioner was accused of commission of offence under Sections 376/328/506 of IPC, for which the aforementioned FIR



was registered. The petitioner however was granted anticipatory bail by this Court *vide* order dated 21.12.2016 – the relevant portion of which reads as under:

“8. Considering the facts noted above and verification done during investigation, this court deems it fit to grant anticipatory bail to the petitioner. It is therefore directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bail bond in the sum of ₹25,000/- with two sureties of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned, further subject to the condition that he will join the investigation as and when directed and **will not leave the country without prior permission of the Court concerned.**”

(Emphasis added)

3. Thus, one of the conditions imposed on the petitioner while granting him anticipatory bail was that he shall not leave the country without permission of the Court concerned.

4. The case set out by the petitioner is that since the time he was granted bail, he has been continuously travelling abroad, for which he was being granted permissions by the concerned Magistrate (before filing of chargesheet) and by the concerned Sessions Court (after filing of chargesheet). It is pointed out that the petitioner had been granted such permissions on 24.01.2017, 20.02.2017, 08.03.2017, 08.03.2018, 03.07.2018, 12.10.2018, 25.05.2019, 11.09.2019, 31.01.2020, 13.10.2020, 25.11.2021, 02.02.2022 and lastly on 15.07.2022. It is however stated that initially, the concerned Magistrate and thereafter the learned Sessions Court (on a few occasions) had granted permission to the petitioner to travel abroad –



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without imposing 'surplus conditions', but on limited terms and conditions, which were complied with by the petitioner. It is stated that *vide* order dated 25.05.2019, the petitioner was granted permission to travel abroad with 'surplus conditions' which required the petitioner to, *firstly*, furnish an affidavit detailing his itinerary and contact details during his stay abroad; *secondly*, file an affidavit with a copy of his passport indicating the place visited upon return; *thirdly*, deposit an FDR of Rs. 2,00,000/- which would be forfeited in case of any breach of the conditions; and *fourthly*, remain present before the Court on the next date of hearing. It is stated that thereafter, the petitioner had been granted the permission to travel abroad on the aforesaid conditions, and the petitioner always complied with the same.

5. The petitioner now submits that he was granted permission *vide* order dated 15.07.2022 by the learned Sessions Court to travel to USA on the same conditions from period starting from 18.07.2022 to 10.08.2022. It is submitted that after the tickets became available and his schedule was tentatively adjusted, the petitioner booked his tickets to the USA for 02.08.2022. However, just two days before his scheduled departure, the petitioner unfortunately suffered an unforeseen incident i.e. the side mirrors of his car were stolen from his residence in Faridabad, and it took him two days to get the FIR registered. Due to this, the petitioner could not file the required affidavit, as the same unintentionally slipped from his mind.



Nevertheless, in order to demonstrate his bona fides, the petitioner promptly e-mailed the itinerary to the Court's official email id, although he could not get the same attested owing to the unavailability of the Oath Commissioner at the last moment. It is thus the case of petitioner that the omission on his part was neither intentional nor deliberate but arose solely due to the circumstances stated above.

6. By way of the impugned order dated 12.08.2022, the learned Sessions Court was pleased to observed that the petitioner herein had violated the conditions of the permission for travel abroad, and that the FDR of Rs. 2 lakhs stood forfeited on account of the same. The impugned order is extracted hereunder:

“ Today, accused Dinesh Aneja has filed two affidavits both attested on 12.08.2022. One affidavit contains the place of stay and the mobile number which accused would be using during stay and second affidavit about return of the accused to India on 09.08.2022.

Vide order dated 15.07.2022, applicant / accused Dinesh Aneja was permitted to visit USA from 18.07.2022 to 10.08.2022 subject to following conditions:

1 Before leaving for USA, accused shall file an affidavit thereby furnishing his itinerary, addresses and mobile phone number during his stay abroad.

2 On the date of hearing, the accused shall file an affidavit along with copy of his passport thereby intimating the place visited by him.

3 The FDR of Rs. 2 lakhs which is stated to be on record as per paragraph 8 of the application shall be retained. The same shall be forfeited in case the accused violates any of the conditions imposed



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by this order.

Perusal of record shows that vide order dated 15.07.2022, accused Dinesh Aneja was directed to file an affidavit before leaving for USA and he was directed to furnish his itinerary, addresses and mobile phone number during his stay abroad in the said affidavit. The details were to be furnished before the accused leaves India. No affidavit was filed by the accused before leaving for USA.

One unsigned and unverified format of affidavit was sent on email of this Court on 02.08.2022 at 00:14 AM. An affidavit has no significance in the absence of signatures and verification of the deponent and attestation by the Oath Commissioner. Accused Dinesh Aneja has clearly violated the condition imposed by this Court for traveling to U SA by not filing the affidavit in the Court before leaving India. The accused left Delhi on 02.08.2022. The order was passed by this Court on 15.07.2022. The accused had sufficient time to file the affidavit in compliance of order dated 15.07.2022. Despite having sufficient time, the applicant chose not to file the affidavit before leaving for USA. In these facts and circumstances, FD of Rs. 2 Lakhs stands forfeited for violating Court order dated 15.07.2022. The original FD be sent to the bank to deposit cash of Rs. 2 lakhs in the court on next date of hearing.”

7. The learned counsel appearing on behalf of the petitioner argues that learned Sessions Court has erroneously and unreasonably directed the forfeiture of the FDR of Rs. 2 lakhs, which had been deposited by the petitioner in compliance with the earlier order of the learned Sessions Court. It is contended that the forfeiture was ordered purely as a punitive measure for what was, at most, an unintentional and bona fide lapse on the part of the petitioner. The learned counsel contends that the conditions imposed by the learned Sessions Court were intended solely to ensure the petitioner’s presence before the Court, and in this regard, it is undisputed that the petitioner had



appeared before the learned Sessions Court on 12.08.2022. It is further submitted that the learned Sessions Court failed to appreciate the petitioner's consistent conduct, including his repeated travels abroad with the Court's permission, without ever misusing any liberty granted to him. It is also urged that on this occasion, though the affidavit was not filed before departure, the petitioner did send an unverified copy of his itinerary by email and subsequently filed attested affidavits upon his return, thereby showing his bona fides and willingness to comply. Thus, it is argued that the impugned order deserves to be set aside in the interest of justice.

8. The learned APP for the State, on the other hand, argues that the impugned order suffers from no infirmity and has been rightly passed. It is submitted that the petitioner clearly violated the conditions imposed by the learned Sessions Court by failing to file the requisite affidavit before leaving the country, and therefore, the forfeiture of the FDR was justified and in accordance with law.

9. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material available on record.

10. In a nutshell, the petitioner's case is that while permission was granted to him to travel abroad from 18.07.2022 to 10.08.2022 with a condition to file an affidavit before departure detailing his itinerary and contact information, he had inadvertently failed to do so before proceeding on his trip to USA on 02.08.2022 due to an alleged unforeseen incident – the theft of his car's side mirrors just two days



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prior to his travelling abroad. He claims the omission was unintentional and, to show his *bona fides*, he had emailed the itinerary to the Court, *albeit* without attestation, though admittedly it was to be tendered *vide* an affidavit. Thus, he contends that the forfeiture of the FDR of Rs. 2 lakhs was unwarranted.

11. The learned Sessions Court, in the impugned order, has noted that despite being directed to file the affidavit before leaving the country, the petitioner had failed to do so and had left India on 02.08.2022 without compliance of the order of the learned MM. It was further recorded that an unsigned and unverified format of the affidavit was merely emailed to the Court's official email ID on 02.08.2022 at 00:14 AM, which held no legal sanctity in the absence of signatures and attestation by the Oath Commissioner. The affidavits were eventually filed much later, only on 12.08.2022.

12. In the facts of the case at hand, this Court is of the opinion that the petitioner herein was fully aware of the requirement to comply with the conditions imposed while being granted permission to travel abroad. It is his own case that he had been permitted to travel overseas on several earlier occasions as well, which demonstrates his familiarity with the process and the specific conditions imposed upon him by the Courts below. He was clearly conscious of the fact that failure to abide by any of the conditions of the order – particularly the filing of an affidavit detailing his itinerary, contact details, and addresses abroad – would result in the forfeiture of the FDR of Rs. 2



lakhs.

13. His explanation that he had failed to comply with the said direction merely because the side mirrors of his car were stolen two days prior to his departure is devoid of any merit in this Court's view. Once a conditional order is passed permitting a person facing a criminal trial to leave the country, such an order must be complied with strictly and in its entirety. The pre-condition of furnishing details of stay, itinerary, and contact number was not a mere formality – it was integral to ensuring that the Court retained effective control over the petitioner's movement and presence, and could secure his attendance as and when required.

14. The petitioner's casual approach, wherein he claims that due to the urgency of travel he forgot to comply with the condition, cannot be accepted as a justification for not complying with the order. The said requirement formed the very soul of the order granting liberty to travel abroad, and any non-compliance, regardless of intention, cannot be taken lightly. The petitioner, having failed to adhere to the conditions imposed on him subject to which he was being allowed to travel abroad, must bear the consequences that flow from such non-compliance.

15. In view of the above, this Court finds no reasons to interfere with the impugned order.

16. The present petition is accordingly dismissed.



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17. It is however clarified that the observations made hereinabove are solely for the purpose of deciding the present petition, and the same shall not be construed as this Court's opinion on the merits of the case and shall also not influence the Courts below while adjudicating any application seeking permission for travel abroad filed by the petitioner.

18. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 13, 2025/A