



\$~1

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 25.04.2025+ **CRL.A. 535/2019**

MUKESH GUPTA @ MUKESH KUMAR GUPTAAppellant

Through: Mr. Vikas Arora, Advocate.

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Ripudaman Bhardwaj, Advocate

CORAM: JUSTICE GIRISH KATHPALIA**ORDER (ORAL)****CRL.M.A. 9088/2025 (seeking permission to travel abroad)**

1. In furtherance of last order, I heard learned counsel for both sides.
2. The applicant/appellant, seeks permission to travel abroad from 01.05.2025 to 11.05.2025 in order to attend a club assembly of Rotary Club, to be held in Almaty, Kazakhstan and Georgia. It is contended on behalf of applicant/appellant that attending the said programme is vital for him from the angle of his social ties and business growth. The application is strongly opposed by the respondent/CBI solely on the ground that if allowed to leave the country, the applicant/appellant would not return to face sentence, which has been suspended by the predecessor bench while admitting this appeal.

Crl. A. 535/2019

Page 1 of 4 pages



3. Learned counsel for applicant/appellant took me through previous records, contending that earlier also the applicant/appellant was allowed to travel abroad by the predecessor bench vide order dated 01.08.2019 and he duly returned to pursue this appeal. Learned counsel for applicant/appellant also submits that the applicant/appellant has roots in the society, with one of his sons being a practicing advocate of this court and the other son being involved in business of the applicant/appellant. Learned counsel for applicant/appellant also submits that age of the applicant being about 67 years, there is no scope of his fleeing from justice.

4. On the other hand, learned SPP for respondent/CBI has taken me through order dated 26.11.2019 of the predecessor bench, whereby a similar permission to travel abroad was declined because it was a leisure trip. Learned SPP submits that once allowed to leave the country, the applicant/appellant would not return.

5. I have examined the previous record, from which it appears that for business trip, the applicant/appellant was allowed to travel abroad but such permission for leisure trip was declined by the predecessor bench.

6. In my considered view, since on account of overflowing dockets, this Court is unable to decide the appeals within reasonable period of time, right

Crl. A. 535/2019

Signature Not Verified
Digitally Signed
By:NEETU N NAIR
Signing Date:25.04.2025
18:40:05

Page 2 of 4 pages

GIRISH
KATHPALIA


Digitally signed by GIRISH
KATHPALIA
Date: 2025.04.25 17:23:16 -07'00'



to even leisure trips to certain extent ought not be declined. The events like club assembly of Rotarians are more in the form of general get-togethers where social relations are developed and nurtured in addition to business relations. The present appeal was filed in the year 2019 and admitted by the predecessor bench, to be heard at its turn as a regular matter. On account of acute shortage of judges as compared to the general population and the litigation quantum, for past long time, the list of regular matters does not reach till end of the day of hearing. Rather, many a time even beyond 05:00 pm when the Courts rise for the day, some of the matters remain unheard, which is extremely painful for the judge. In such uncertain atmosphere, depriving the applicant/appellant free movement, even if to enjoy leisure trips cannot be justified.

7. Of course the Court must be conscious about ensuring return of the applicant/appellant to face the pending legal proceedings. That can be ensured through appropriate conditions.

8. In view of the above discussion, the application is allowed and the applicant/appellant is permitted to travel abroad to Almaty, Kazakhstan and Georgia during the period from 01.05.2025 to 11.05.2025 subject to his furnishing a personal bond in the sum of Rs. 5,00,000/- with one surety in the like amount to the satisfaction of the Registrar General of this Court and also subject to the condition that on or before 12.05.2025, the

Crl. A. 535/2019

Signature Not Verified
Digitally Signed
By:NEETU N NAIR
Signing Date:25.04.2025
18:40:05

Page 3 of 4 pages
GIRISH
KATHPALIA
Digitally signed by GIRISH
KATHPALIA
Date: 2025.04.25 17:23:35
-07'00'



2025:DHC:2936



applicant/appellant shall return to India and shall place on record copy of his passport reflecting his travel within one week of his return.

CRL.A. 535/2019

9. List on its turn.

**GIRISH
KATHPALIA** Digitally signed by
GIRISH KATHPALIA
Date: 2025.04.25
17:23:57 -07'00'
GIRISH KATHPALIA
(JUDGE)

APRIL 25, 2025/DR

Crl. A. 535/2019

Page 4 of 4 pages

Signature Not Verified
Digitally Signed
By:NEETU N NAIR
Signing Date:25.04.2025
18:40:05