

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 8027/2019

(Arising out of impugned final judgment and order dated 28-06-2019 in CRR No. 1805/2019 passed by the High Court of M.P Principal Seat at Jabalpur)

SANKET VAIDYA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

Date : 22-11-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA

HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Kartik Seth,Adv.
Mr. Shubhankar Sehgal,Adv.
Mr. Sahil Nagpal,Adv.
For M/S. Chambers Of Kartik Seth, AOR

For Respondent(s) Mr. K.M.Nataraj,ASG
Mr. Merusagar Samantary,Adv.
Mr. Amit Kumar,Adv.
Mr. Kumar Shashank,Adv.
Ms. Smita Choudhary,Adv.
For Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the parties and perused the record of the case.

The special leave petition has been filed by the petitioners for seeking permission to travel abroad to do further studies. He has been offered admission in Masters program in Biotechnology for a period of two years for which the petitioner has got admission in a

university in Melbourne, Australia. The learned Additional Solicitor General appearing for the Central Bureau of Investigation (CBI) opposes this application mainly on three grounds that (i) there is possibility of the petitioner not coming back to India; (ii) investigation is still continuing and it will be difficult to associate the petitioner with the investigation if permission is granted and (iii) it is lastly submitted that the trial may be delayed and the petitioner may not be available to face trial for two years. The apprehensions of the CBI can be met with by passing suitable directions in this regard.

It is true that the petitioner is accused of serious offence but at the same time we have to keep in mind that he is a young person and wants to pursue his studies abroad. What we have to ensure is that he shall be present for investigation as and when required and shall also be available for facing trial.

Keeping all these factors in view, we had directed the petitioner to place on record the list of properties owned by his father so that sufficient security should be obtained before permitting him to travel abroad.

Pursuant to our order, the petitioner's father has filed an affidavit and along with the affidavit he has given details of the details of the immovable assets which are as follows:

Type (Residential/ Commercial/ Plot/ Agricultural)	Address	Area	Ownership (In case of Joint ownership, please mention names of all the owners)	Status Mortgaged/ Free	Approximate Market value
Residential House	New Palasia, Indore		NIL	NIL	60 Lakhs
Agriculture Land	Datoda	1.75 acres	NIL	NIL	30 Lakhs
Flat 306	Radhe Regency, Rajendra Nagar	1200 sq.feet	Sanket Vaidya	NIL	17 lakhs
Flat 104	Bhaskar Appt., Saket Nagar	1000 sq.feet	NIL	NIL	50 Lakhs
Office No.103	Manav Trade Centre, South Tukoganj	600 sq.feet	NIL	NIL	10 Lakhs
TOTAL					167 Lakhs

In addition thereto, there are other movable assets but we are concerned only with one Fixed Deposit Receipt in the Bank of Maharashtra of the value of Rs.1,26,94,953/- . Learned counsel submits that valuation of the property is given as per the valuation at the time of purchase and the value has increased manifold. We are not concerned with the increase of value. Whatever be the value of the property, we direct that the petitioner shall only be permitted to go abroad in case the father, secures the attendance of the petitioner by furnishing security of all the immovable properties mentioned herein above and also deposit the Fixed Deposit Receipts for Rs.1,26,94,953/- with the Trial Court.

We further direct that the petitioner shall be available for investigation as and when required. However, since he is studying abroad, we request the CBI try to call him not more than once in four months and whatever investigation has to be done should be done in one go in three-four days instead of calling him time and again. The petitioner must ensure his presence on the time when his appearance is required for investigation. The petitioner shall file an affidavit to this effect before the Trial Court within two weeks.

It is made clear that in case the petitioner violates his undertaking at the first instance, Fixed Deposit Receipts for Rs.1,26,94,953/- shall stand forfeited.

The special leave petition stands disposed of in the terms aforesaid.

Pending application, if any, shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(PRADEEP KUMAR)
COURT MASTER