CGHC010353782026 2026:CGHC:416

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2405 of 2026

1. Amit Mittal S/o Late Rajendra Kumar Mittal Aged About 58 Years R/o Flat No. Tg- 2 B/4, Garden Estate, Gurgaon, Near Guru Dronacharya Metro Station, Gurgaon Haryana- 122002

... Petitioner

versus

1. State Of Chhattisgarh Through- Through Police Station Acb/eow, Raipur, District Raipur (C.G.)

... Respondent

For Petitioner	:	Mr. Himanshu Pandey, Advocate
For Respondent	:	Mr. Ashish Shukla, Additional Advocate General

SB: Hon'ble Mr. Justice Parth Prateem Sahu,J

Order on Board

24.09.2026

1. Challenge in this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is to the order dated 01.09.2026 passed in Corruption Case No.7/2026 whereby learned Special Judge, ACB/EOW, Raipur has rejected the application of petitioner for granting permission to travel abroad and returning of passport for the purpose of travel as mentioned therein.

2. Facts of the case, in brief, are that petitioner is the Managing Director and Chief Executive Officer of M/s A2Z Infra Engineering Limited, a publicly listed company. Petitioner is facing trial in connection with FIR No.0044/2024 registered at Police Station Economic Offences Wing / Anti Corruption Bureau, Raipur for the offences punishable under Sections 120B, 467, 467, 471 of the Indian Penal Code and Sections 7 (b) and 8 of the Prevention of Corruption Act, 1988. He was released on bail vide order dated 03.07.2026 in M.Cr.C. No.4981/2026 inter alia subject to condition that petitioner shall surrender his passport before the concerned trial Court and shall not leave the territory of India without prior permission of the Court concerned. Prior to registration of offence against petitioner, he had visited abroad in connection with business discussions and in support thereof documents are filed as Annexure P-6 to application. Petitioner submitted an application for granting permission to travel abroad for the period from 27.09.2026 to 16.10.2026 so as to discuss the business matters with his prospective investors, lenders, strategic partners concerning proposed business expansion. However, by the order impugned, application filed by the applicant seeking permission to trave abroad has been rejected on the ground that the company can authorize any

competent employee/officer in place of petitioner to attend business discussions and meetings.

3. Learned counsel for the petitioner submits that the petitioner has been released on bail on 03.07.2026 and since then he is enjoying the liberty and has not misused the same. Petitioner being one of the principal decision-makers of the company plays an important role in determining the future business direction of his company, which is a publicly listed company and on earlier occasions also travelled abroad in connection with his business. He submits that now the petitioner is required to go abroad to attend meetings and discussions with prospective investors, lenders and strategic partners in furtherance of business objectives and expansion. All relevant documents showing receipt of formal invitation from the company concerned of United Kingdom for business meetings and discussion, confirmed return itinerary, dates of travel and stay, foreign countries proposed to be visited for business purpose and unequivocal undertaking of applicant, which were submitted before the trial Court, are also annexed along with this petition. He further submits that applicant assures that he would travel abroad for limited period from 27.09.2026 to 16.10.2026 and he is ready to file an undertaking that he would return back and he is also prepared to furnish adequate security. He also submits that the

applicant will not abscond and is ready to abide by any conditions that may be imposed by this Court for grant of permission to travel abroad and return back. If petitioner is not permitted to travel abroad, huge loss of irreparable nature would be caused to petitioner and his company. Hence, it is prayed that the impugned order be set aside and petitioner be permitted to travel abroad during pendency of trial. Upon asking, he also submits that petitioner's company is having worth of Rs.1,000 Crores.

4. Learned State Counsel opposes submissions of learned counsel for petitioner and would submit that petitioner is an accused in a large-scale economic offence involving systematic siphoning of public funds through a well-orchestrated criminal conspiracy. In the course of investigation, petitioner has been found to have played a crucial role in the commission of the offences in question as approximately an amount of Rs.34.06 Crores was received by petitioner's company under the heads of overtime, bonus etc., but the same was never passed on to the employees. As such, the allegations against the petitioner are serious in nature and prima facie case is made out against him and in case he is permitted to go abroad, then, there is every possibility that he would evade the process of law, flee from justice and would not return back to India to face trial. There

are four Directors of the Company and therefore, any other Director can attend the business meetings. Hence, the petitioner should not be permitted to go abroad.

5. On being asked to learned counsel for applicant as to how much amount of surety petitioner can furnish for his returning back to India and to comply other conditions which may be imposed while granting him permission to trave abroad, he submits that as per instruction of applicant received telephonically by him, the applicant will be able to furnish surety of Rs.4 Crore only.

6. Heard learned counsel for the parties and perused the documents annexed along with petition.

7. Perusal of the impugned order reveals that the application of the applicant for granting permission to visit foreign countries has been rejected recording reason that any other competent employee/officer in place of petitioner can be authorized by the company for the purpose business meetings and discussions. Permission to travel abroad cannot be granted merely on the ground that applicant has been authorized by the company to visit abroad to attend meetings on behalf of company.

8. At this state, it would be relevant to discuss the legal position governing the grant of permission to an accused to travel abroad. In **Maneka Gandhi v. Union of India**, reported in

(1978) 1 SCC 248 the Hon'ble Supreme Court has held that right to travel abroad is recognized as facet of the fundamental right originating from Article 19 of the Constitution of India and it is an integral component of the right to personal liberty under Article 21 of the Constitution of India.

9. In case of **Tarun Trikha vs State of West Bengal,** reported in **2015 SCC Online SC 1879**, Hon’ble Supreme Court has observed thus:-

> “3. Since the trial of the cases in the aforesaid FIRs may take some time, that should not be a reason not to allow the petitioner to travel in connection with his employment, as mentioned above. At the same time, it is also to be assured that, he returns to India after finishing his work in Indonesia, takes part in the said criminal proceedings lodged against him and do not seek unnecessary adjournments.”

10. In case of **Satish Chandra Verma Vs. Union of India and Others**, reported in **2019 SCC Online SC 2048** Hon’ble Supreme Court has observed thus:-

> “5. The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not

only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship are humanities which can be rarely affected through refusal of freedom to go abroad and clearly show that this freedom is a genuine human right..."

11. In case of **Parvez Noordin Lokhandwala vs State of Maharashtra and another,** reported in **(2020) 10 SCC 77**, it was observed as under:-

"20.This Court has passed multiple orders previously allowing an accused enlarged on bail to travel abroad. In Ganpati Ramnath v State of Bihar9, this Court allowed an accused-applicant to travel abroad for medical treatment, modifying its earlier bail order, noting that the applicant had travelled abroad on the ground of medical necessity on six occasions with the permission of the court and had returned. In K. Mohammed v The State of Kerala10, this Court allowed the accused-appellant to travel abroad to meet in the exigencies of a family situation. In Tarun Trikha v State of West Bengal11, this Court allowed the accused-petitioner to travel to Indonesia in connection with his employment and to return once the work was completed. In Pitam Pradhan v State of

AP, this Court while granting anticipatory bail, permitted the petitioner to travel abroad noting that his job required him to travel abroad at frequent intervals and may lose his employment if he were not permitted to travel abroad."

12. In the pleadings made in petition it is stated that petitioner is the Managing Director and Chief Executive Officer of M/s A2Z Infra Engineering Limited. He possess substantial experience in the filed of engineering, procurement and construction (EPC), facility management services and waste management and being so, his personal participation in high-level discussions with prospective investors, lenders and strategic partners is necessary.

13. In the light of above facts and in view of observations made by Hon'ble Supreme Court in above rulings and having regard to business need projected by petitioner, this Court deems it fit to permit the petitioner to travel abroad for a limited period from 27.09.2026 to 16.10.2026. Accordingly, the trial Court concerned is directed to return the passport of the petitioner so deposited by him and he is also permitted to travel abroad i.e. London, United Kingdom through Abu Dhabi, for a limited period from 27.9.2026 to 16.10.2026 subject to following conditions:-

- Petitioner shall submit travel itinerary before trial Court, including particulars of his stay in abroad in between 27.9.2026 to 16.10.2026 supported by an affidavit.
- Petitioner shall deposit a sum of Rs.10,00,00,000/- (Rupees Ten Crores) as a security amount before the trial Court concerned and the same shall be returned to him after he returns back to India and surrenders his passport as directed by the High Court in M.Cr.C. No.4981/2026. Amount so deposited by the petitioner shall be deposited by the trial Court in a fixed deposit scheme of any nationalized bank.
- the petitioner shall furnish undertaking before the trial Court that he shall return back to India on or before 16.10.2026 and if he fails to do so, the trial Court can proceed to forfeit the aforesaid amount; after his return from abroad, he shall appear before the trial Court concerned as and when required and cooperate with the trial proceedings, on failure of the same, the trial Court is at liberty to take steps against the petitioner in accordance with law.

14. With the above observations and direction, the petition stands disposed of. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-