

Chandraswami

Vs

Central Bureau of Investigation

(CJI M.M. Punchhi, S. C. Agrawal, B. N. Kirpal JJ)

29.01.1998

JUDGMENT

1. In this Criminal Miscenllenous Petition, prayer has been made to modify a condition for bail imposed in this Court's order dated 7.11.96, so as to permit the petitioners to go abroad, as and when they choose. While granting bail to the petitioner, this Court had imposed certain conditions foremost of which was that the petitioners (appellants) will not leave the country. Barefacedly, this condition was absolute as viewed in that manner a year back. Besides modification in the said condition, it has been pleaded that there are compulsions for the petitioners to go abroad inasmuch as their work in propagation of Hindu religion was suffering and they need to take medical advice and treatment too aboard.

2. Insofar as the absolute condition of the petitioners not leaving the country is concerned, learned Attorney General has candidly stated that the condition may be modified and it be left to the court to grant the petitioners permission to leave the country on such conditions as the court may deem fit. This would imply that for each time when the petitioners intend to go aboard, they would have to seek permission of this Court. A fortiori, such prayer would have to be examined each time on its own merits. We, therefore, in the first instance, modify the condition so as to read as follows:

"The appellants will not leave the country unless permitted by the court on such conditions as the court may impose in that event."

3. Mention has already been made about the two reasons given by the petitioners to go abroad instantly. We are not satisfied with the reasons urged. It is no compulsive need for the petitioners, to go abroad and propagate the Hindu religion. There is no material to suggest that the ailments the petitioners claim to have been suffering from, are not treatable in India, satisfactorily.

4. This petition is, thus, allowed in part, so as to modify the condition, as said before. The prayer for permission to go abroad is declined.