

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.456 of 2021

- Dr. Anil Kumar Henry, S/o Late Shri V.K. Henry aged 55 years, Ex-director, Christian Mission Hospital, Mungeli, tehsil -mungeli, civil & revenue- Mungeli, District- Mungeli C.G. Presently residing at apartment No.103/block-2 Shradha Aavas Apartment, Mittoor extension, Chittoor, Andra Pradesh.

---- Petitioner

Versus

- State of C.G., through the police Station- City- Kotwali, Mungeli, Tehsil & district Mungeli, C.G.

---- Respondent

For Petitioner : Mr. Mohd. Azad Siddiqui, Advocate.

For respondent/State : Mr. D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30/04/2021

1. Heard on I.A. No.01/2021, an application under Section 482 of the Cr.P.C. praying for permission to leave the country for a period of 2 months in accordance with the condition laid down by this Court in Order 14.11.2017 passed in M.Cr.C.(A.) No.382 of 2017.
2. It is submitted by the learned counsel for the petitioner that the criminal trial against him is pending since 12.07.2019, the trial has not made any progress, the applicant himself filed a petition under Section 482 of Cr.P.C. which was registered as Cr.M,P. No.1265 of 2020 seeking direction of this Court for expediting the trial against him, which has

been disposed off on 05.11.2020. Because of the present pandemic conditions and the limited functioning of the Courts, there is no possibility of the case to be taken up for hearing in near future.

3. The applicant seeks this permission on the ground that he has to take his mother, who has aged about 86 years to visit her daughter, who is blind and who is residing in Ohio, U.S.A. and also for the reason that the two sons of the applicant are graduating in Denison University U.S.A. and their convocation ceremony is to be held on 30th of May, 2021, which the applicant requires to attend. The applicant had earlier filed a similar petition which was registered as Cr.M.P. No.1132 of 2019 in which limited permission was granted to the applicant vide order dated 09.05.2019 of this Court. The applicant has not mis-used the liberty, therefore, he may be granted permission as prayed for.
4. Learned counsel for the State opposes the application and submissions made in that respect and submits that the main witness in the trial has not been examined so far and that there is possibility that the trial may be taken up soon, therefore, it would not be proper to grant such permission to the applicant.
5. Considered on the submissions. The applicant is at liberty by the order of this Court passed on 14.11.2017 and there is no incidence on his making any misuse of that so far. The applicant has complied with the conditions imposed upon him in the previous order dated 09.05.2019 in Cr.M.P. No.1132/2019.
6. Taking into consideration, the reasons mentioned in the application and also looking to the need of his responsibility towards his family, I feel inclined to allow this application, the application is allowed and the

applicant is granted permission for a period of 2 months to make visit to U.S.A. and come back. The applicant shall be required to furnish details of itinerary to the trial Court informing about the date of his departure, the destinations, the duration of his stay in places and the tentative date he intends to return to India, which shall be within the period of two months from the date of his departure. The applicant is also directed to report to the trial Court immediately after his arrival in this country.

7. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika