

RC No.: RC0032025A0032

Branch : CBI/ACB/New Delhi

U/Sec : 61(2) of BNS 2023 r/w.

Sec. 7 of PC Act, 1988 (as amended in 2018)

CBI Vs. Sunil Kumar & Others
(Bail application of accused Sunil Kumar)

23.05.2025

Present : Sh. V. K. Ojha, Ld. Sr. PP for CBI along with IO
Inspector Davinder Kumar.

Sh. Varun Mudgil, Sh. Rakesh Kumar and Ms. Eti
Kushwaha, Ld. Counsels for the applicant / accused
Sunil Kumar.

This is an application moved on behalf of accused Sunil
Kumar seeking regular bail.

Reply to the above application has been filed on behalf
of the CBI. Copy supplied.

Brief facts, which can be taken from the record are as
under :

1. That, on the basis of the written complaint dated
05.05.2025 and the verification dated 05.05.2025
conducted by CBI, the instant case
RC0032025A0032 dated 06.05.2025 has been
registered has been registered under section 61 (2) of
BNS 2023 r/w 7 of PC Act, 1988 (as amended in

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2018) against Sh. Sunil, ASI (Assistant Sanitary Inspector), MCD, Narela Zone New Delhi and other unknown public servants.

2. That, it is alleged in the complaint that the complainant is running a firm M/s Body Core Science at J-105, Bawana Industrial Area, New Delhi. For running the said firm, there is a requirement of MCD Trade License. For issuing the said license, Sh. Sunil Assistant Sanitary Inspector (ASI), Sh. Sunil, Sanitary Inspector (SI) and Sh. Parveen, ASI, all from Bawana Narela Zone, MCD, had demanded Rs.90,000/- from the complainant. Further It is alleged that Sh. Sunil, ASI took the amount of Rs. 30,000/- in cash from the complainant on 03.05.2025 and on negotiation he reduced the demanded amount to Rs. 80,000/- with direction remaining demanded amount of Rs. 50,000/- is to be paid after issuing of trade license.

3. That on 06.05.2025, a trap was laid to catch the accused persons red-handed and during the trap proceedings, accused Sunil, ASI (Later identified as Shubham Rana, Private persons) was apprehended by CBI while he attempting to flee the spot after

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acceptance of demanded bribe money. The tainted bribe amount of Rs. 60,000/- was recovered by Sh. Gaurav Chikkara, Independent Witness, from the Gear Box area of his car.

4. That after apprehension, the accused Shubham Rana disclosed that he accepted the bribe from the complainant at the instance of Sh. Sunil & Sh. Praveen, both Assistant Public Health Inspector (APHI), MCD, Narela. He further informed that APHI Sunil Kumar and APHI Praveen were sitting in his rest house adjoining his office in the name & style of Mahadev Properties (near the place of transaction). when he received the bribe amount from the complainant, He further admitted that while he was hiding, he had informed APHI Sunil Kumar via whatsapp call about the raid/incident. Upon reaching, it was found that both APHI Sunil and APHI Praveen had fled from the rest house of Shubham Rana.

5. That, during further Trap Proceedings, accused APHI Sunil Kumar and APHI Praveen were also apprehended from their respective residences. All the three accused persons were arrested vide separate arrest cum personal search memos dated 07.05.2025.

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The accused persons Sunil Kumar, Praveen and Shubham Rana were produced before the Hon'ble Court of Spl. Judge, CBI, Rouse Avenue District Court on 08.05.2025 for seeking grant of police custody for three days. The Hon'ble Court was pleased to send them to police custody for 02 days. The accused persons Sunil Kumar, Praveen and Shubham Rana were again produced before the Hon'ble Court of Spl. Judge, CBI, Rouse Avenue District Court on 09.05.2025. The Hon'ble Court was pleased to send them to judicial custody 14 days till 23.05.2025.

It is stated in the application that the accused has got nothing to do with the offence mentioned in the charge sheet. It is also stated that the accused was arrested on 07.05.2025 and thereafter sent for PC of two days and is in JC since 09.05.2025. It is further stated that the accused is no longer required for further investigations.

It is also stated that the accused has not been apprehended during the trap proceedings on 06.05.2025 and the version of the prosecution in the FIR appears to be doubtful, as there was no eye witness to the same. The entire complaint of the

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complainant appears to be concocted.

It is stated that the accused is innocent and is no more required for further investigations. It is also orally stated that the co-accused has already been released on bail vide order dated 20.05.2025. Therefore, it is prayed that the present accused be also released on bail on the grounds of parity.

Reply to the above application has been filed by the CBI stating that all the three accused persons visited the office of the complainant and demanded Rs. 90,000/- from him for issuing trade licence of his firm. It is further stated in Para C of the reply as under :

...He further informed that on 02.05.2025, all the above mentioned officers / officials of MCD again visited his factory and pasted a Show Cause on the gate of the factory for running the factory without having License from the MCD and pressurized him for paying the demanded bribe.

On 03.05.2025, due to constant pressure, he paid Rs. 30,000/- to Sh. Sunil ASI in cash and negotiated to reduce the amount on which Sh Sunil ASI reduced the demanded amount to Rs. 80,000/-. Further he informed that he also paid amount of Rs. 45,383.66 through online regarding fee of his trade licence

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application....

It is stated that during the trap proceedings, one Shubham Rana claimed himself to be as Sunil Kumar was arrested, who revealed that he is a private person and he accepted the bribe on behalf of Sunil Kumar. Later on he informed the said APHI Sunil Kumar on whatsapp, who absconded.

It is further stated that the relevant and important witnesses are yet to be examined, some material documents need to be collected and there are chances that the accused will influence those witnesses and may temper with the evidence as the bribe was accepted on behalf of the present accused, who was working as APHI at Narela Zone, therefore, it is stated that the above bail application be dismissed.

I have gone through the rival contentions.

It is stated that the accused was arrested on 07.05.2025 and was also sent for two days police custody remand for custodial interrogation and is in JC since 09.05.2025. The co-accused namely Praveen is stated to have already been released on bail vide order dated 20.05.2025.

Though the role of the present accused is graver than that of accused Praveen Kumar, as the concerned area where the factory of the complainant was situated falls under the jurisdiction of the present accused, for which the bribe was demanded for

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issuance of trade licence from the complainant. Be that as it may.

Since the material investigations qua the present accused are already complete and he is no longer required for further investigations, as his police custody remand has already been taken and the co-accused has already been released on bail, in these circumstances, the accused Sunil Kumar is also admitted to bail on executing a personal bond of Rs. 30,000/- with one surety of the like amount subject to the condition that he will not tamper with evidence or influence the witnesses or will not leave the country without the permission of the Court.

The above bail application of accused Sunil Kumar stands disposed off accordingly.

(SANJEEV AGGARWAL)
Special Judge (PC Act) (CBI)-10
Rouse Avenue Courts Complex
New Delhi/23.05.2025