

CNR No. DLCT11-000010-2023

CBI No. 05/2023

CBI Vs. Sandeep Kumar & Ors.

RC No. 218/2022/A-0004

PS CBI/AC-III/ND

U/s 120BB IPC read with 7 & 12 of PC Act & 43 IT Act

05.07.2023

Present : Ms. Shweta Dhingra, Ld. Public Prosecutor for CBI.
A-1 Sandeep Kumar with Ld. Counsel Sh. Sajan
Shanker Prasad.
A-2 Khizar Dabas & A-3 Javed Khan with
Ld. Counsels Sh. Shabhaaz Jameel and Sh. Ali
Muzaffar
A-4 Sachin Gupta with Ld. LAC Sh. Anand Vardhan
A-5 Sharad Kothari is absent.
A-6 Sushil Kumar with Ld. Counsel Sh. S.S Prasad.
A-7 Bal Govind with Ld. Counsel Ms. Asha.
Sh. Sushil Kumar Satrawla, Ld. Counsel for A-5.
Inspector Anil Yadav.

Bail bonds furnished on behalf of A-1, A-6 and A-7 which
are accepted. **Bail bonds furnished on behalf of A-4 Sachin
Gupta are accepted till next date of hearing.**

One application seeking exemption from personal
appearance has been moved on behalf of accused A-5 Sharad
Kothari on his medical ground.

Heard. Keeping in view the submissions made in the
application, **A-5 Sharad Kothari is exempted from personal
appearance only for today.**

It is submitted by Ld. Counsels for all the accused persons
except A-5 Sharad Kothari that the documents are complete.

One application is moved on behalf of A-5 seeking copies
of deficient documents to A-5. Copy of the same is supplied to
CBI.

At this stage, separate bail applications moved on behalf of **A-2 Khizar Abbas** and **A-3 Javed Khan** for grant of regular bail.

It is, inter alia, stated in the applications that the applicants/accused persons have been falsely implicated in the present case by the CBI. It is further submitted that the applicants/accused persons co-operated in the investigation and hence, the CBI chose not to arrest the accused persons. Further, it is submitted that chargesheet in the matter has been filed. It is also submitted on behalf of accused persons that no useful purpose would be served by sending the accused persons behind the bars as trial of the case is going to take considerable time.

It is also argued on behalf both the accused persons that since the accused persons were not arrested during the course of investigation, their case is squarely covered by the judgment of Hon'ble Supreme Court in case titled **Satender Kumar Antil V. CBI SLP No. 5191/2021 dated 11.07.2022**. Hence, prayer is made for grant of regular bail to both the accused persons.

Per contra, Ld. Public Prosecutor for the CBI has opposed the present bail applications stating that the allegations qua the accused persons are grave in nature as they alongwith other accused persons are part of criminal conspiracy and there are allegations of Section 7 and 12 of PC Act. Further, there is likelihood of both the accused persons influencing/ threatening the prosecution witnesses and the possibility of their fleeing from process of justice can also not be ruled out.

Heard and considered.

As per record, both the accused persons were not arrested during the course of investigation. The record reflects that they have co-operated during the course of investigation. Therefore,

relying upon the judgment of Hon'ble Supreme Court in **Satender Antil (supra) case** as well as the fact that co-accused persons are also already on bail, both the accused persons namely **Khizar Abbas (A-2) and Javed Khan (A-3) are enlarged on regular bail** subject to the following conditions:

I. The applicants/accused persons shall furnish a personal bond in the sum of Rs.50,000/- each with one surety each of the like amount.

II. The applicants/accused persons shall not directly or indirectly try to contact or influence the witnesses or tamper with the evidence.

III. The applicants/accused persons shall not leave the country without permission of the Court.

IV. The applicants/accused persons shall intimate the Court about the change of address if any during the period of bail.

V. The applicants/accused persons shall regularly appear in the court during the trial.

VI Violation of any of the conditions shall result in cancellation of their bail.

At this stage, bail bonds are furnished on behalf of A-2 and A-3. The same are accepted.

Be listed for scrutiny of documents on behalf of A-5 and further proceedings on **28.07.2023**.

(GAGANDEEP SINGH)
Special Judge, PC Act, CBI-04
Rouse Avenue Courts, New Delhi
05.07.2023