

CBI No. 30/2024 (CNR DLCT11-000071-2024)

CBI Vs. M/s Indian Technometal Co. Ltd & Ors.

RC 050 2021A 0004

CBI SC-II, New Delhi

U/s 120B r/w 420/468 & 471 IPC & 13 (2) r/w 13 (I) (d)
of P.C Act 1988

28.05.2024

Present : Sh. Rajesh Kumar, Ld. Public Prosecutor for CBI
/SC-II/ND.

IO/Dy. S.P Vinod Kumar, CBI/SC-II/ND

**A-4 U. Madhusudan, A-13 Vikas Gupta, A-19 Alok
Baliyar Singh and A-20 Shakti Ranjan Dash are
absent.**

A-3 Vinay Sharma, A-5 Mukesh Kr. Dave, A-6 Sita
Ram Gupta, A-7 Anil Kumar Jain, A-8 Vishal Jain, A-12
Dayanand, A-14, Roshan Lal, A-15 Pawan Kumar
Gupta, A-16 Shailender Nath are in person.

Sh. Rahul Gautam, Ld. Counsel for A-3.

Sh. Alok Kumar, Ld. Counsel for A-4.

Sh. Sunil Sethi, Ld. Counsel for A-5 and A-6.

Ms. Zeba Khair and Sh. Amany Garg, Ld. Counsel for
A-8 and A-17 (M/s R.T Research Pvt Ltd.)

Sh. B.L Madhukar & Kanika Gupta, Ld. Counsel
for A -7 Anil Kumar Jain.

Sh. Yogender Panwar, Ld Proxy counsel for A-12.

Sh. Ram Kumar Sharma, Ld. Counsel for A-13

Sh. Sunil Dutt Kaushik, Ld. Counsel for A-14 & A-15.

Sh. Anil Kumar, Ms. Pinky Singh and Sh. Amir Khan,
Ld. Counsel for A-16.

Sh. Shrey Kapoor & Sh. Tarun Khanna, Ld. Counsel
for A-19.

Sh. Rony Oomen Joher, Sh. Shivam Batra and
Ms. Arpita, Ld. Counsel for A-20.

Separate Vakaltnamas filed by their respective counsel
on behalf A-3, A-4, A-5, A-6, A-7 A-8, A-12, A-13, A-14 & A-15,
A-16, A-19 & A-20. Be taken on record.

Separate applications are moved on behalf of A-4, A-13,
A-19 and A-20 seeking exemption from personal appearance through
their respective counsel. Heard. Keeping in view the submissions
made in the application, **A-4, A-13, A-19 and A-20 are exempted
from personal appearance only for today.**

A-1, A-10 and A-11 are served through A-3. It is
submitted on behalf of A-3 that as per the instructions received from
the accused, he is no sure as to whether he is the director of the said
companies as on date. **Ld. P.P for the CBI seeks time for checking
the ROC record of the said company and thereafter effecting
service upon the said companies through its present directors.**

A-18 is unserved. Though it is submitted by Ld.
Counsel for A-19 that he is the director of the said company, but no
summons have been received for the company by him. **CBI seeks
time for effecting the service of summons on A-18 through A-19.**

As far as A-9 M/s Indian Technomac Co. Ltd is
concerned, it is submitted by Ld. PP for the CBI that the said company
has already wound up and the same does not exist as on today. The
said company i.e A-9 is already not summoned vide summoning order
dated 06.05.2024 and in view of the said submission, **there is no
requirement for summoning A-9 M/s Indian Technomac Co. Ltd
as accused. Note in this regard be made by the Ahlmad in the
memo of the parties.**

Ld. Counsel for A-8 submits that she will file authorisation letter on behalf of A-17 M/s R.T Research Pvt Ltd on the next date of hearing. Be filed.

At this stage, separate bail applications under Section 439 Cr.P.C seeking regular bail are moved on behalf of **A-3 Vinay Sharma, A-5 Mukesh Kumar Dave, A-6 Sita Ram Gupta, A-7 Anil Kumar Jain, A-8 Vishal Jain, A-12 Dayanand, A-14 Roshan Lal and A-15 Pawan Kumar Gupta & A-16 Shailendra Nath** by their respective counsel.

It is inter alia stated, in the aforesaid bail applications that the applicants/accused persons are innocent and they have not committed any offence as alleged. 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 mater has been filed by placing them as 'not arrested'. It is also submitted on behalf of accused persons that no useful purpose would be served by sending the accused persons behind the bar as trial of the case is going to take considerable time.

It is also argued on behalf of the accused persons/applicants herein 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 the accused persons.

Heard and considered.

As per record, the accused person/applicants were not arrested during the course of investigation. The record reflects that they have co-operated during the course of investigation and accordingly they have been placed in the chargesheet as 'not

arrested'. Therefore, relying upon the judgment of Hon'ble Supreme Court in **Satender Antil (supra) case, A-3 Vinay Sharma, A-5 Mukesh Kumar Dave, A-6 Sita Ram Gupta, A-7 Anil Kumar Jain, A-8 Vishal Jain, A-12 Dayanand, A-14 Roshan Lal and A-15 Pawan Kumar Gupta & A-16 Shailendra Nath** 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-3, A-5, A-6, A-7, A-8, A-12, and A-16 which are considered and accepted.

Bail bonds are furnished on behalf of **A-7, A-8 and A-12** **which are accepted till next date of hearing only.**

Ld. Counsel for A-4, A-13, A-19 and A-20 have sought time to move appropriate bail application on the next date of hearing.

Ld. P.P for the CBI submits that they will provide the copy of documents and chargesheet which are voluminous in pendrive by the next date of hearing. Be supplied.

Be listed for **(i) service of A-1, A-10, A-11 and A-18**
(ii) moving bail applications by A-4, A-13, A-19 and A-20 and
(iii) supply of documents on 3rd July 2024.

(GAGANDEEP SINGH)
Special Judge, PC Act, CBI-04
Rouse Avenue Courts, New Delhi
28.05.2024