

CBI Vs. Abhishek Tiwari & Ors.
FIR No. RC2182021A0005
PS CBI/AC-III/New Delhi
CNR No. DLCT11-000488-2021

17.12.2021

ORDER

1. Vide this common order, I shall dispose off the two separate default bail application(s) u/S. 167(2) CrPC moved on behalf of applicant(s)/accused persons Abhishek Tiwari (A-1) and Anand Dilip Daga (A-2).

2. Brief facts of the case as per the charge-sheet are as follows :-

a) **This Regular Case RC2182021A0005 was registered by the CBI on 31.08.2021 on the basis of a complaint submitted by Shri Kiran S., Supdt. of Police, CBI, AC-V, New Delhi against (i) Shri Abhishek Tiwari, Sub Inspector, CBI, AC-V, New Delhi, (ii) Shri Anand Dilip Daga, Advocate, R/o -97/1, Civil Lines, Temple Road, Nagpur and (iii) Unknown others, under section 120-B, 409 of Indian Penal Code and section 7 and 8 of Prevention of Corruption Act, 1988 (as amended in 2018).**

b) **It was alleged in the FIR that a PE 2232021A0001 was registered on 06.04.2021 in compliance of the order dated 05.04.2021 of the Hon'ble High Court of Mumbai. For conducting the enquiry, a team of officers led by the Enquiry Officer Shri R S Gunjiyal, Dy. SP, CBI alongwith Shri Abhishek Tiwari (A-1), Sub Inspector, CBI left for Mumbai on 06.04.2021. During the enquiry, the team members examined witnesses including Shri Anil**

Deshmukh, the then Home Minister, Maharashtra, who was examined on 14.04.2021.

c) It was further alleged that consequent upon the enquiry, the Enquiry Officer submitted his report dated 16.04.2021. Shri Abhishek Tiwari (A-1) had assisted the Enquiry Officer in the preparation of the said report and had been in possession of case sensitive documents. Pursuant to the comments and opinion of senior officers and after approval by the competent authority, RC 2232021A0003 was registered by the CBI on 21.04.2021 u/s 7 of PC Act, 1988 (as amended in 2018) and 120-B of IPC against Sh. Anil Deshmukh, the then Home Minister of Maharashtra & unknown others, the investigation of which is in progress.

d) It was further alleged that the case sensitive and confidential documents pertaining to the enquiry and investigation were disclosed to unauthorized person. Shri Abhishek Tiwari (A-1) had come in contact with Advocate Shri Anand Dilip Daga (A-2), Lawyer of Shri Anil Deshmukh, during the course of enquiry and had been in regular contact with him since then.

e) It was further alleged that Shri Abhishek Tiwari (A-1) had visited Pune in connection with investigation of the said RC, where Advocate Shri Anand Dilip Daga (A-2), met him and handed over to him an iPhone 12 Pro as illegal gratification in lieu of passing details regarding the said enquiry and investigation, thereby causing improper performance of public duty. He had been obtaining illegal

gratification from Shri Anand Dilip Daga (A-2) at regular interval.

f) It was further alleged that Shri Abhishek Tiwari (A-1) shared copies of documents like memorandum of proceedings, sealing-unsealing memorandum, statements, seizure memos etc., related to the investigation of the case with Shri Anand Dilip Daga (A-2) through WhatsApp on many occasions and thus, Shri Abhishek Tiwari (A-1) who was entrusted with the possession of case sensitive documents as part of the enquiry and investigation in his capacity as a Sub-Inspector, has committed criminal breach of trust in respect of said property. He entered into criminal conspiracy with Shri Anand Dilip Dagar (A-2) and Unknown others and disclosed case sensitive and confidential documents to unauthorized persons, for the purpose of subverting investigation of RC2232021A0003, in lieu of undue advantage and illegal gratification to himself.

g) Investigation has established that Shri Abhishek Tiwari was associated with the PE2232021A0001 and RC2232021A0003 of AC-V Branch of CBI and was privy to the case sensitive documents and strategy of the case.

h) Investigation has established that Shri Abhishek Tiwari (A-1) in conspiracy with Shri Anand Dilip Daga (A-2), advocate of Shri Anil Deshmukh, leaked the case sensitive and secret documents to Shri Anand Dilip Daga (A-2) in order to subvert the investigation of RC2232021A0003 of AC-V Branch of CBI.

i) During investigation, it is established that a Preliminary Enquiry Registration Report vide PE2232021A0001 was registered by AC-V Branch, CBI on 06.04.2021 against Shri Anil Deshmukh, the then Home Minister, Govt. of Maharashtra & Unknown others for enquiry, in compliance of the order dated 05.04.2021 passed by the Hon'ble High Court of Maharashtra in PIL No. 06/2021 and batch of connected PILs in the matter of Shri Param Bir Singh Vs. the State of Maharashtra & others, whereby, the Hon'ble High Court had directed the CBI to initiate a Preliminary Enquiry into the complaint of Dr. Jaishri Laxmanrao Patil (Advocate). The Enquiry of the PE was entrusted to Shri R. S.Gunjyal, Dy. SP, CBI.

j) It is also mentioned in the charge sheet that accused Abhishek Tiwari along with other senior officers, CBI visited Mumbai and camped at DRDO Guest House, Santa Cruz, Mumbai along with the Enquiry Officer Sh. R. S. Gunjyal, Dy. SP during the period 06.04.2021 to 15.04.2021 and assisted in the enquiry and also during the recording of the statement of the witnesses and preparation of Enquiry Report after return to Delhi with him on 15.04.2021. Thereafter, Sh. R. S. Gunjyal had submitted the Enquiry Report (i.e. Final Report-I) in the PE on 16.04.2021. Therefore Abhishek Tiwari had access to complete documents related to PE2232021A0001 of AC-V Branch, CBI.

k) The investigation has also revealed that Anand

Dilip Daga had accompanied Shri Anil Deshmukh on 14.04.2021 during his examination by CBI at DRDO Guest House Santa Cruz, Mumbai in connection with the above PE2232021A0001.

l) It is also mentioned that the above PE2232021A0001 culminated into registration of a regular case vide RC2232021A0003 by AC-V Branch of the CBI on 21.04.2021 u/s. 120-B of IPC and Section 7 of PC Act, 1988 (as amended in 2018) against Shri Anil Deshmukh, the then Home Minister of Maharashtra and unknown others.

m) Thereafter, a number of CBI officials including the investigating officer Sh. Mukesh Kumar, Dy, SP and Abhishek Tiwari, Sub Inspector (A-1) etc. undertook official tours and camped outstation from time to time. The said Abhishek Tiwari was also part of the team planning the searches along with the IO.

n) It is also mentioned in the charge sheet that (A-2) Anand Dilip Daga was one of the lawyers for petitioner Sh. Anil Deshmukh before the Hon'ble Supreme Court and also before the Hon'ble High Court. It is also revealed that (A-1) and (A-2) met at Delhi, Mumbai and Pune physically and had been in regular touch through whatsapp calls / messages and SMS after 14.04.2021 and from the search of (A-1) on 01.09.2021, certain electronic devises including his mobile phones, laptop and pen drives were seized. One apple i-Phone was also seized on 01.09.2021.

o) Anand Dilip Daga (A-2) was arrested on 01.09.2021 and his mobile phone was also seized. The imaging of mobile phone was done and data was extracted and the files related to PE2232021A0001 and RC2232021A0003 of AC-V branch of CBI were retrieved from the mobile phone of (A-2). The dates of creation of files in the phone of (A-2) indicates the dates of leakage of corresponding documents. The hash value of the above files were also analysed during investigation and it matches with the corresponding hash value of the documents recovered from the Samsung mobile phone and from the pendrive of Abhishek Tiwari (A-1), details of which have been mentioned in the charge sheet.

p) It is also mentioned that the statement of Sh. Subodh Kumar Jaiswal, the then Director General, CISF was recorded telephonically by Sh. Mukesh Kumar, DySP(IO) on 06.05.2021 and was saved in his external hard disk. No other member of the investigation team, except Sh. Mukesh Kumar, DySP was aware of this fact. The said statement was found saved in the pen driver of (A-1) on 01.08.2021 and also in the mobile phones of (A-2) on 05.08.2021, which he had unauthorisedly accessed and leaked the said documents to Anand Dilip Daga (A-2) and the contents of statement of Sh. Subodh Kumar Jaiswal u/S. 161 CrPC dated 06.05.2021 in RC2232021A0003, extracted from the phone of (A-2) and '161 CrPC statement' extracted from the phone of (A-1) is precisely matching, as the hash value of both of them is the same.

q) The investigations also revealed that (A-1) who was sent to Pune on 26.07.2021 to coordinate searches there while in Pune met (A-2), who visited Pune through vehicle no. MH 31 ER 7000, as Abhishek Tiwari stayed at HAL Guest House, Pimpri, Pune and Anand Dilip Daga met him there, which was confirmed by vehicle entry register maintained at the gate of HAL Guest House.

r) The investigations also revealed that (A-2) got an I-Phone 12 Pro purchased through one Sh. Satyajee Wayal on 27.07.2021 for accused Abhishek Tiwari, which was purchased for Rs. 95,000/-, which is corroborated by whatsapp chats between (A-2) and Sh. Satyajee Wayal, which was handed over to (A-1) on 07.08.2021 and same was seized during the search of office cabin of (A-1) on 01.09.2021.

s) Thereafter, it was revealed that the illegally accessed / obtained Enquiry Report of PE2232021A0001 was already available with (A-2), which he in conspiracy with Vaibhav Gajendra Tumane (A-3), Social Media Handler of Sh. Anil Deshmukh got circulated / posted with a note on the background of the Preliminary Enquiry to a number of addressees, as a part of their larger conspiracy to subvert the investigation of RC2232021A0003 for which (A-3) roped in services of Sh. Rahul Chakranarayan (a care taker at the residence of Sh. Anil Deshmukh) and other persons. Therefore, it is stated that all the accused persons were acting in conspiracy with each other.

3. In default bail application of accused Abhishek Tiwari (A-

1), it is stated that the accused was arrested on 01.09.2021 and was produced before this Court on 02.09.2021 and as such the 90 days lapsed on 30.11.2021. It is further stated that the applicant has been informed that the CBI has filed some loose papers styled as a charge sheet to defeat the right of default bail of the accused on 30.11.2021. The CBI themselves have stated that documents are to be filed and as such this Court vide order dated 30.11.2021 had been pleased to direct the CBI to file complete set of documents pertaining to the present charge sheet.

It is further stated that the documents are an integral part of the charge sheet, which is filed after the completion of investigations and admittedly in the present case, since the complete set of documents have not been filed by the CBI, the charge sheet is incomplete and hence the investigation is also incomplete, thereby giving a right to the accused to be released on default bail.

It is also stated that as per Section 173 CrPC, the investigation has to be completed, which means complete investigation of all facts and circumstances relating to the case and filing of the complete report in terms of Section 173(5) CrPC. Therefore, mere filing of loose sheet of papers as stated to have been filed by the CBI on 30.11.2021 cannot be said to be a final report as contemplated u/S. 173 CrPC. Further in the absence of completion of the investigation of the case against the accused, this Court cannot take cognizance as contemplated u/S. 309 CrPC.

It is further stated that incomplete charge sheet has been filed by CBI just to defeat the right of the default bail of the accused, which amounts to miscarriage of justice. Therefore, it is stated that due to non submission of complete charge sheet within the statutory period of 90 days, an indefeasible right has accrued in favour of the accused to be released on bail and he is prepared to furnish the bail bond. The said right cannot be defeated now. Therefore, it is stated that the accused is entitled to default bail.

4. Ld. Counsel for A-1 has relied upon the following judgment(s) in support of his contentions in the bail application itself :

- (1) ***K. Veeraswami Vs. Union of India (1991) 3 SCC 655;***
- (2) ***M. Ravindran Vs. Intelligence Officer, Directorate of Revenue Intelligence (2021) 2 SCC 485;***
- (3) ***Rakesh Kumar Paul Vs. State of Assam (2017) 15 SCC 67;***
- (4) ***Bikramjit Singh Vs. State of Punjab, Judgment dt. 12.10.2020 in Criminal Appeal No. 667/2020 ; Rakesh Kumar Paul Vs. State of Assam (2017) 15 SCC 67 ; Achpal @ Ramswaroop Vs. State of Rajasthan (2019) 14 SCC 599; Aslam Babalal Desai Vs. State of Maharashtra (1992) 4 SCC 272;***
- (5) ***Tarun Tyagi Vs. Central Bureau of Investigation (2017) 4 SCC 490;***
- (6) ***Abhishek Vs. State of NCT of Delhi (Crl.MC 2242/2020).***

5. Reply has been filed by the CBI in which the averments made in the default bail application of (A-1) have been denied and it is stated that the charge sheet against the accused has been filed before Hon'ble Court on 29.11.2021, which was assigned to this Court and was put up on 30.11.2021 for further appropriate action. Along with the charge sheet, list of documents, list of articles and list of witnesses were also duly submitted. The complete set of documents / statements as mentioned in the respective lists were also produced before the Hon'ble Court.

It is further stated that detailed charge sheet was filed on 29.11.2021, which is a complete charge sheet within the stipulated period of 90 days u/S. 167(2) CrPC. Therefore, the case law cited by the Ld. Counsel for the accused is not applicable to the facts of the present case.

It is further stated that the complete charge sheet was filed

before the Hon'ble Court within 90 days and the right of the accused for getting a copy of the charge sheet comes into play only after cognizance of the offence has been taken by the Court i.e. at the stage of 207 CrPC and not in any case prior to taking of the cognizance of the offences. It is further stated that since the complete charge sheet has been filed before the Court within the stipulated period, therefore, the accused is not entitled to default bail.

6. Regarding the bail application of accused Anand Dilip Daga (A-2), it is stated that the accused was first remanded on 02.09.2021 and remained in custody till date, the mandatory 90 days period in terms of Section 167(2) of CPC expired on 30.11.2021.

It is stated that investigating authorities filed charge sheet on 30.11.2021 and the Hon'ble Court was pleased to adjourn the matter on 10.12.2021 for the purposes of consideration on the charge sheet. It is pertinent to mention that the order dated 30.11.2021 passed by this Court clearly reflects that the investigating authorities did not file complete charge sheet and sought time to place the documents on the record. Therefore, it can be safely concluded that the charge sheet was filed sans documents thereby rendering it incomplete. It is further stated that as per Section 173(5) CrPC a final report includes documents and statements which are recorded and collected by the IO during the course of investigation and forms part of the relied upon documents and hence a report filed without documents cannot be considered as a charge sheet within the meaning of Section 173 CrPC.

It is further stated that the final report placed on record by the investigating agency on 30.11.2021 is without documents and hence can at be best called as incomplete charge sheet, thereby enabling the accused to apply for default bail and consequently he be released forthwith upon furnishing of bail bonds.

7. Reply has been filed by the CBI in which the averments made in the bail application of (A-2) have been denied and it is stated that the charge sheet has been filed within statutory period of 90 days. It is again stated that the charge sheet against the accused has been filed before the Court of Duty Judge (PC Act), CBI, Rouse Avenue Courts, New Delhi on 29.11.2021, which was assigned and put up before this Court on 30.11.2021 for further appropriate action. It is further stated that along with the charge sheet, list of documents, list of articles and list of witnesses were also duly submitted. The complete set of documents / statements as mentioned in the respective lists were also produced before the Hon'ble Court.

Therefore, it is stated that accused is not entitled to default bail, as the complete charge sheet was filed within the statutory period of 90 days, therefore, the bail application seeking statutory bail is liable to be dismissed.

8. Ld. PP for CBI has relied upon the following judgments in support of his contentions :-

- (1) ***Mehabub Rehman & Empha vs. State, judgment of Hon'ble High Court of Delhi dated 22.03.2021 in Crl. Rev. P. 340/2020***
- (2) ***Narendra Kumar Amin vs. CBI And Others, judgment of Hon'ble Supreme court of India dated 15.01.2015 in Crl. Appeal no. 94 of 2015; 2015 AIR (SC) 1002; 2015 CriLJ 1334***
- (3) ***State of Haryana vs. Mehal Singh and Anr., 1978 Crl.LJ 1810***
- (4) ***Vinay Tyagi vs. Irshad Ali @ Deepak and Ors., judgment of Hon'ble Supreme Court dated 13.12.2012 in Crl. Appeal nos. 2040-2041 of 2012.***

9. I have gone through the rival contentions.

10. After hearing the rival parties, following question is formulated i.e. **whether a charge sheet as per Sec. 173(2) CrPC filed in**

the Court albeit without any documents can be described as complete charge sheet, so as to enable the Court to take cognizance, if not then it cannot be said to be complete charge sheet or can be said to be incomplete charge sheet. Therefore, as a corollary it follows that investigation is not complete within 60 / 90 days, as postulated in Sec. 167 (2) CrPC, as a consequence accused persons are entitled to default bail which is their inalienable right.

11. In this regard, Ld. PP for CBI has relied upon the judgment *Narendra Kumar Amin vs. CBI and Others (Supra)*, wherein the Hon'ble Supreme Court has held as under :-

13. *In this regard he squarely relied on the three Judge Bench judgment of this Court in [Central Bureau of Investigation v. R.S. Pai & Anr.](#)[6] wherein at para 7, regarding relevant documents to be submitted at the time of charge sheet, it is held as under:-*

"7. From the aforesaid sub-sections, it is apparent that normally, the investigating officer is required to produce all the relevant documents at the time of submitting the charge-sheet. At the same time, as there is no specific prohibition, it cannot be held that the additional documents cannot be produced subsequently. If some mistake is committed in not producing the relevant documents at the time of submitting the report or the charge-sheet, it is always open to the investigating officer to produce the same with the permission of the court. In our view, considering the preliminary stage of prosecution and the context in which the police officer is required to forward to the Magistrate all the documents or the relevant extracts thereof on which the prosecution proposes to rely, the word "shall" used in sub-section (5) cannot be interpreted as mandatory, but as directory. Normally, the documents gathered during the investigation upon which the prosecution wants to rely are required to be forwarded to the Magistrate, but if there is some omission, it would not mean that the remaining documents cannot be produced subsequently. Analogous provision under [Section 173\(4\)](#) of the Code of Criminal Procedure, 1898 was considered by this Court in [Narayan Rao v. State of A.P. \(SCR at p. 293\)](#) and it was held that the word "shall" occurring in sub-section (4) of [Section 173](#) and sub-section (3) of [Section 207-A](#) is not mandatory but only directory. Further, the

scheme of sub-section (8) of [Section 173](#) also makes it abundantly clear that even after the charge-sheet is submitted, further investigation, if called for, is not precluded. If further investigation is not precluded then there is no question of not permitting the prosecution to produce additional documents which were gathered prior to or subsequent to the investigation. In such cases, there cannot be any prejudice to the accused. Hence, the impugned order passed by the Special Court cannot be sustained."

In the said decision it is held that if some mistake is committed in not producing the relevant documents at the time of submitting the report, it is always open to the investigating officer to produce the same with the permission of the court. The Bench proceeded further to observe that if further investigation is not precluded, then there is no question of not permitting the prosecution to produce additional documents which were gathered prior to or subsequent to the investigation and the word "shall" used in sub-section (5) cannot be interpreted as mandatory, but as directory. Therefore, it is contended that the High Court is justified in refusing to grant Default Bail in favour of the appellant.

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16. *The observation made at para 76 of the constitution Bench judgment of this Court in the case of K. Veeraswami (Supra) that the report is complete if it is accompanied by all the documents and statement of witnesses as required under Section 173 (5) of Cr. P. C. cannot be construed as the statement of law, since it was not made in the context of the police report under Section 2(r) read with Section 173 (2)(5) and (8) of Cr. P. C. on the contrary, the three Judge Bench of this Court in the decision in Central Bureau of Investigation v. R. S. Pai's case (supra), after referring to the earlier judgment of the coordinate Bench in Narayan Rao's case (supra) categorically held that the word "shall" used in sub-Section (5) cannot be interpreted as mandatory, but directory. The said statement of law is made after considering the provisions of Section 2(r) read with Section 173(5) and (8) of Cr. P. C. Therefore, filing of police report containing the particulars as mentioned under Section 173(2) amounted to completion of filing of the report before the learned ACJM, cognizance is taken and registered the same. The contention of the appellant that the police report filed in this case is not as per the legal requirement under Section 173(2) &(5) of Cr. P. C. which entitled him for default bail is rightly rejected by the High Court and does not call for any interference by this Court.*

12. In view of ratio of said judgment though the words '**shall**' in

Sec. 173(5) CrPC cannot be read as mandatory, but directory as though normally the documents gathered during the investigations upon which the prosecution wants to rely are required to be forwarded to the Magistrate, but if there is an omission, it would not mean that the remaining documents cannot be provided, therefore, the word '**shall**' in Sec. 173 (5) CrPC cannot be interpreted as mandatory but directory.

13. The argument of Ld. Defence Counsels is that in case of *Narendra Kumar Amin case (supra)*, some documents were filed with the report u/S. 173 CrPC, rest of the documents were filed in installments, therefore, said judgment is distinguishable from present case, where no documents have been filed.

14. No doubt, in present case along with final report u/S. 173 CrPC, no documents could be filed, as it has been orally asserted by Ld. PP / IO, though they were all ready, but due to non scanning of them, they could not be filed in the Court. Now it has to be seen after going through the report u/S. 173 (2) CrPC, whether its contents were sufficient for the Magistrate or this Court to take cognizance, or it was just an hollow format bereft of any contents, so as to defeat the rights of accused u/S. 167(2) CrPC, so as to be called incomplete charge sheet, as also incomplete investigation.

15. After perusal of the charge sheet u/S. 173(2) CrPC, which includes in sum and substance the complete format from (a) to (g) of 173(2) CrPC, it clearly discloses the revelations made during the investigations, as also the role played by each accused person(s). The IO also opined on the basis of material collected by him during the investigations that prima facie commission of offence(s) as stated in the said report u/S. 173 (2) CrPC in his view were made out. Therefore, the present charge sheet, incorporated all the necessary details u/S. 173 (2)

CrPC, so as to enable the Magistrate or this Court to take the cognizance of the offence(s) whether some documents have been filed or not, does not make any difference, as due to some error or omission as stated by the IO above, he could not file the documents, which can be filed at the earliest, as Sec. 173(5) CrPC is not mandatory, but directory in nature.

At the same time, a caveat has to be entered here that the investigating agency cannot take it as a precedent that all they have to do is to fill and file the format prescribed u/S. 173(2) (a) to (g) without making all the revelations made during the investigations including the role played by each accused, as also the entire material incorporated therein about the commission of offence(s) on the basis of which cognizance can be taken by the Court.

16. The word '**cognizance**' in its broad and literal sense means taking notice of offence(s). This would include intention of initiating judicial proceedings against the offender in respect of that offence(s) or taking steps to see, whether there is any basis for initiating judicial proceedings or for other purposes. The word 'cognizance' indicate the point when a Magistrate or a Judge first takes judicial notice of an offence(s).

17. The very purpose of completing the investigations within 60 / 90 days as postulated u/S. 167(2) CrPC is that an accused who is in judicial custody or whose liberty has been curtailed cannot remain incarcerated indefinitely due to non completion of investigations on part of investigating agency in a time bound manner. Rather, it should be completed in above specified time, failing which he will be entitled to statutory bail u/S. 167(2) CrPC. Even after it has been so completed then also the next step is, the Court should take cognizance on the basis of report u/S. 173 CrPC. Thereafter, copies be supplied to accused, whereafter he be heard on the point of charge(s). If strong suspicion

arises, the charge be framed otherwise, he be discharged and in case it is so framed, the trial should be completed at the earliest resulting in acquittal or conviction, as the case may be.

18. Admittedly the charge sheet was filed on the 89th day at the residence of Ld. Special Judge on duty on that day. Section 2(r) of CrPC defines the expression 'Police Report' as a report forwarded by a police officer to a Magistrate u/S. 173(2) CrPC.

19. In view of the foregoing discussion, the charge sheet filed in the present case in sum and substance meets all the requirements of Section 173(2) CrPC (a) to (g). The charge sheet clearly describes in detail of all the material collected by the IO / investigating agency during the investigations, as also the role played by each accused including, what offence(s) were committed and by whom which was in terms of clause (d) of Sec. 173(2) CrPC, on the basis of material collected by the investigating agency / IO . The detail of offence(s) / Section(s) 120B r/w. 201, 379, 409, 411 of Indian Penal Code r/w. 7 & 8 of Prevention of Corruption Act 1988 (as amended in 2018) r/w. Section 43 r/w. Section 66 & 66B of Information Technology Act 2000 and substantive offences thereof, have also been mentioned in the charge sheet filed u/S 173(2) CrPC.

20. The net result of the above discussion is that the question which has been formulated is answered as under :

That the charge sheet filed by the prosecution u/S. 173(2) CrPC in the present case can be described as complete charge sheet, so as to enable the Court to take cognizance. It cannot be said to be an incomplete charge sheet. Therefore, it follows as a corollary. The investigation is complete within the specified 90 days as postulated in Section 167(2) CrPC. As a consequence, the accused persons are not

entitled to default bail.

21. Resultantly, the default bail application(s) u/S. 167(2) CrPC moved on behalf of applicant(s)/accused persons Abhishek Tiwari (A-1) and Anand Dilip Daga (A-2) stand dismissed.

Nothing expressed hereinabove shall have any bearing on the merits of the case.

**Announced in the open
Court on this 17th Day
of December, 2021.**

**(Sanjeev Aggarwal)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/17.12.2021**