

CC No. 66/2021
CBI Vs. Abhishek Tiwari & Ors.
FIR No. RC2182021A0005
PS CBI/AC-III/New Delhi

14.10.2023

Present : Sh. V. K. Pathak, Ld. Sr. PP for CBI

1 As per the report of the Ahlmad dated 29.08.2023, all the documents and statements in respect of charge sheet have been filed by the IO. I have perused the same. The present case be registered, as per rules.

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

1 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).

2 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 along with Shri Abhishek Tiwari (A-1), Sub-Inspector, CBI left for Mumbai 06.04.2021. During the enquiry, the team members examined many witnesses including Shri Anil Deshmukh, the then Home Minister, Maharashtra, who was examined on 14.04.2021.

3 It was further alleged that consequent upon the enquiry, FIR 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 Shri Anil Deshmukh, the then Home Minister of Maharashtra & unknown others, the investigation of which is in progress.

4 It was further alleged that the case sensitive and confidential documents pertaining to the said 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.

5 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.

6 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 said 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 Daga (A-2) and Unknown others and disclosed the 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.

7 After investigation, a chargesheet in this case has been filed on 29.11.2021 against (i) Shri Abhishek Tiwari(A-1), (ii) Shri Anand Dilip Daga (A-2) and (iii) Shri Vaibhav Gajendra Tumane (A-3) for commission of offences punishable under Section 120-B r/w 201, 379, 409, 411 of Indian Penal Code r/w section 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.

8 Further investigation in the instant case u/s 173(8) Cr.P.C. was kept open against Unknown public servants and private persons.

Result of further investigation:

During further investigation role of Ms. Pooja Deshmukh, Smt. Rahat Deshmukh, Shri Vikrant Deshmukh and Shri Satyajeet Wayal were looked into as to their role in the conspiracy related to illegal procurement of FR-I of PE2232021A0001, documents, providing of illegal gratification and scuttling the investigation of RC2232021A0003 of CBI, AC-V, New Delhi.

Ms. Pooja Deshmukh

1 Further investigation has revealed that Ms. Pooja Deshmukh @ Payal Tai is the daughter of Sh. Anil Deshmukh (Ex- Home Minister of Maharashtra) and she was residing at Dnyaneshwari Bungalow (official residence of Shri Anil Deshmukh) during the relevant period. Investigation has also revealed that after the registration of PE2232021A0001 by CBI, AC-V, New Delhi on the directions of Hon'ble High Court, Mumbai, Ms. Pooja Deshmukh was actively coordinating with Advocate Shri Anand Dilip Daga in court matters related to Shri Anil Deshmukh with respect to CBI and ED. Shri Anand Dilip Daga regularly visited Dnyaneshwari Bungalow during April, 2021 to August, 2021 in this regard. During the relevant period Ms. Pooja Deshmukh was using the mobile number 9561161786.

2 Investigation has revealed that accused Shri Anand Dilip Daga acted on the directions of Ms. Pooja Deshmukh in illegal procurement and leakage of case related documents of PE2232021A0001 and RC2232021A0003 of CBI, AC-V, New Delhi against Sh. Anil Deshmukh with intention to subvert the investigation of RC

2232021A0003 of CBI, AC-V, New Delhi. Shri Anand Dilip Daga, Shri Vaibhav Tumane, Shri Vikrant Deshmukh and Ms. Rahat Deshmukh acted in furtherance of such conspiracy.

3 Investigation has further revealed that as part of this conspiracy, Shri Anand Dilip Daga (A-2) met Shri Abhishek Tiwari (A-1) at Delhi, Mumbai and Pune and they were also in regular touch with each other through WhatsApp Calls/messages and SMS after 14.04.2021.

4 Investigation has established that Shri Abhishek Tiwari (A-1) was sent to Pune on 26.07.2021 to coordinate searches at Pune and nearby locations in RC2232021A0003. In order to meet Shri Abhishek Tiwari and offer/give him undue advantage in connection with illegal procurement and leakage of case related documents of PE2232021A0001 and RC2232021A0003 of CBI, AC-V, New Delhi, Ms. Pooja Deshmukh made all the arrangements for travel of Shri Anand Dilip Daga to Pune and also sent her vehicle & driver Shri Kundan to Pune along with Shri Anand Dilip Daga.

5 WhatsApp chat between Ms. Pooja Deshmukh (mobile number 9561161786) and Sh. Anand Dilip Daga (mobile number

9623456717) on 25.07.2021 revealed that Ms. Pooja Deshmukh made necessary logistical arrangements for arrival of Sh. Anand Dilip Daga from Nagpur to the place of accommodation in Mumbai and also his onward travel to Pune. Investigation revealed that Shri Anand Dilip Daga travelled to Pune on 26.07.2021 from Mumbai in the vehicle bearing No. MH 31 ER 7000 and this vehicle was driven by Sh. Kundan, who was driver of Shri Anil Deshmukh and Ms. Pooja Deshmukh. Further the WhatsApp Chat between Ms Pooja Deshmukh and Shri Anand Dilip Daga revealed that Ms. Pooja Deshmukh has provided the phone number of Shri Kundan, the driver.

6 The register maintained at the entry gate of Dyaneshwari Bungalow establishes the fact that the said vehicle was regularly used by the family members of Shri Anil Deshmukh including Ms. Pooja Deshmukh.

7 Investigation has further revealed that Shri Anand Dilip Daga (A-2) travelled to Pune on 26.07.2021 to meet Sh. Abhishek Tiwari who was staying at HAL Guest House, Pimpri, Pune. Investigation has further revealed that there is entry of said vehicle in the entry register of HAL Guest House. Further, the phone number as provided by Ms.

Pooja Deshmukh to Shri Anand Daga, of Sh. Kundan (driver) was also mentioned against the vehicle number in the entry register of HAL Guest House, Pimpri, Pune.

8 The google take out of Shri Anand Dilip Daga also confirms the travel of Shri Anand Dilip Daga from Mumbai to HAL Guest House.

9 Investigation has further revealed that as part of the conspiracy hatched between Ms. Pooja Deshmukh and Shri Anand Dilip Daga, Shri Anand Dilip Daga got an iPhone 12 Pro purchased through Shri Satyajeet Wayal on 27.07.2021 for accused Shri. Abhishek Tiwari and handed over to Shri Abhishek Tiwari in Pune.

10 Investigation revealed that a WhatsApp group in the name "Inner Circle" was formed on 30.07.2021 and this group consisted of Dr. Gaurav Chaturvedy, Ms. Pooja Deshmukh, Ms. Riddhee Deshmukh, Ms. Rahat Deshmukh and Shri Anand Dilip Daga. Ms. Pooja Deshmukh @ Payal Tai and Sh. Anand Dilip Daga were the 'Admin' of this group. Further another WhatsApp group in the name "Team AndA" was formed on 26.08.2021 and this group consisted of Sh. Anand Dilip Daga, Ms. Pooja Deshmukh @ Payal Tai, Sh. Satyajeet, Sh. Vaibhav Tumane, Ms. Ridhee

Deshmukh, Dr. Gaurav Chaturvedy and Ms. Rahat Deshmukh. The mobile numbers 8999625823 and 9822997445 were also added in that group. The 'Admin' of this group was Ms. Pooja Deshmukh@ Payal Tai.

11 Investigation has also revealed that Ms. Pooja Deshmukh was a co-conspirator behind the leakage of Preliminary Enquiry Report (FR-I) of PE2232021A0001 of AC-V, CBI, New Delhi. A WhatsApp message dated 22.08.2021 was posted in "Inner Circle" WhatsApp group by Ms. Pooja Deshmukh wherein she was asking Shri Anand Dilip Daga to send the covering letter and printing plan and material to "V" i.e. Sh. Vaibhav Gajendra Tumane on the next day. She also followed up till the same reached Shri. Vaibhav Gajendra Tumane.

12 Investigation has revealed that Ms. Pooja Deshmukh has directed Sh. Anand Dilip Daga for printing of Preliminary Enquiry Report (FR-I) of PE2232021A0001 of AC-V, CBI, New Delhi for circulation to various prominent personalities and media houses in order to run a parallel media trial in favour of Shri Anil Deshmukh and for subverting the investigation of CBI in RC2232021A0003.

13 The WhatsApp conversation in WhatsApp groups "Team And A" and "Inner

Circle" revealed that even the designing of pamphlets, naare and print outs to create video content, tweets and photo banners against CBI investigation was done on the directions of Ms. Pooja Deshmukh. Investigation revealed that the illegally procured Preliminary Enquiry Report (FR-I) of PE2232021A0001 of AC-V, CBI, New Delhi was the basis for these conversations as well as planning to subvert the investigation of RC2232021A0003 of AC-V, CBI, New Delhi.

14 Investigation has further revealed that Sh. Anand Dilip Daga had shared the statement of Sh. Sachin Waze recorded by CBI in RC 2232021A0003 of AC V branch with Ms. Pooja Deshmukh on 05.08.2021. The said statement was confidential as it was related to an ongoing investigation of a case. In furtherance of conspiracy, Ms. Pooja Deshmukh obtained this statement of Shri Sachin Waze in order to understand the direction of investigation so as to subvert the same. Investigation has revealed the active role of Ms. Pooja Deshmukh in unauthorized leakage of confidential/secret documents of said PE & RC in order to subvert the investigation.

Ms. Rahat Deshmukh:

15 Investigation has revealed that Ms. Rahat Deshmukh is wife of Sh. Hrishikesh Deshmukh, younger son of Sh. Anil Deshmukh. Ms. Rahat Deshmukh knew Shri Anand Dilip Daga and they were in regular contact with each other in connection with court matters related to Shri Anil Deshmukh. During the relevant period Ms. Rahat Deshmukh was using mobile number 9717739005 which was subscribed in the name of Shri Bhujang Dashrath Patil.

16 Investigation has revealed that Ms. Rahat Deshmukh was part of the conspiracy to illegally procure the Preliminary Enquiry Report (FR-I) of PE2232021A0001 of AC-V, CBI, New Delhi and used the same to subvert the ongoing investigation of CBI in RC2232021A0003. She was also part of WhatsApp groups "Team And A" and "Inner Circle" wherein strategies related to CBI case were discussed. She was aware of the illegal procurement of P.E.R. (FR-I) of PE & other related documents of RC.

17 WhatsApp chats between Shri Anand Dilip Daga (mobile number 9623456717) and Ms. Rahat Deshmukh (mobile number

9717739005) on 15.08.2021 revealed that Shri Anand Dilip Daga had informed Ms. Rahat Deshmukh that he would propose some queries/arguments related to preliminary enquiry report of CBI in PE2232021A0001 of CBI, AC-V, New Delhi. He further mentioned in the chat that "Why was this PER not submitted in the court? Why didn't court call for this PER as everywhere in the reply of CBI it has been mentioned about the same? even if this PER was over ruled by the superior officers, the fact still remains that the IO conducting the said enquiry mentioned that no cognizable offence is made out against the HM and more importantly the closure was recommended. If while overruling this PER the agency thought that the time for investigation was less they could have sought more time from the Court but they choose to register an RC and thereafter an FIR". Further, with reference to this message, Shri Anand Dilip Daga clarified to Ms. Rahat Deshmukh that "PER is Preliminary Enquiry Report" to which she replied "got it". Shri. Anand Dilip Daga sought the approval of Ms. Rahat Deshmukh for his proposed queries to be used in order to scuttle ongoing investigation by asking her "all valid things", "Valid?", and Ms. Rahat Deshmukh replied that "100

Percent".

18 Investigation has further revealed that Ms. Rahat Deshmukh was also part of the plan to create an uproar by leaking the Preliminary Enquiry Report (FR-1) of PE2232021A0001 of AC-V, CBI, New Delhi to media which is revealed from WhatsApp conversation between her and Shri Anand Dilip Daga on 26.08.2021. On 26.08.2021, Ms. Rahat Deshmukh sent WhatsApp message "Miracle is on its way" to Shri. Anand Daga and he replied " Saturday full tamashe".

19 The WhatsApp conversations revealed that Shri Anand Daga and Smt. Rahat Deshmukh were in furtherance of conspiracy actively involved in illegal procurement of Preliminary Enquiry Report of PE2232021A0001 of CBI, AC-V, New Delhi and the said Preliminary Enquiry Report leaked in social media on 29.08.2021 (Saturday).

Shri Vikrant Deshmukh:

20 Investigation has further revealed that Sh. Vikrant Deshmukh is a distant relative of Shri Anil Deshmukh and he manages the financial accounts of Sri Anil Deshmukh, Ex-Home minister under the guise of an

education trust Shri SAI Education Trust. Investigation revealed that Shri Vikrant Deshmukh was also part of conspiracy hatched amongst the accused persons to illegally procure the confidential documents of an ongoing investigation of CBI i.e. RC2232021A003. He was also part of the logistics arrangements in the entire conspiracy as he was arranging the flights tickets of the co-accused on their directions.

21 Investigation has revealed that Sh. Vikrant Deshmukh in partnership with Sh. Pramod Pasare, Sh. Ashish Agarwal, Sh. Vijay Baghel, is running a partnership firm namely, M/s. Quantum Classes. One coaching institute namely M/s Momentum Academy is run by the said firm. Sh. Siddharth Chandrashekhar Meshram was an employee of the Momentum Academy and was being paid salary Rs. 10,000/- per month.

22 Investigation has revealed that Sh. Vikrant Deshmukh was using the SIM of mobile number 7276410544. On the directions of Sh. Vikrant Deshmukh, Sh. Pramod Pasare had got purchased the SIM card of Mobile no. 7276410544 through Sh. Siddharth Chandrashekhar Meshram (in the name of Sh. Siddharth Chandrashekhar Meshram) and handed over the same to Sh. Vikrant

Deshmukh on 02.07.2021 who was using the same.

23 Investigation has further revealed that in furtherance of conspiracy Sh. Anand Dilip Daga shared the statement of the then DG, CISF Shri Subodh Kumar Jaiswal recorded u/s 161 Cr.P.C. in RC 2232021A0003 of AC-V, to Sh. Vikrant Deshmukh on mobile no. 7276410544 through WhatsApp on 05.08.2021. The said leaked/unauthorized procured statement was the basis for an article published in the e-version of newspaper "Midday" on 24.08.2021 with the intention to run a media trial.

24 Investigation has further revealed that on 07.06.2021 Sh. Anand Dilip Daga had shared mobile numbers of Supervisory Officers as well as Investigating Officer of CBI, AC-V, New Delhi for the said RC 2232021A0003 with Shri. Vikrant Deshmukh and on 08.06.2021, Shri Anand Dilip Daga asked Shri Vikrant Deshmukh to get the locations of these officers. Sh. Vikrant Deshmukh agreed to do the same. Shri Anand Dilip Daga and Shri Vikrant Deshmukh conspired to subvert the ongoing investigation of CBI, AC-V, New Delhi by illegally procuring the confidential document of the case as well as trying to track the movements

of the Investigating Officer as well as Supervisor Officers.

Shri Satyajeet Wayal:

25 Investigation has established that Shri Satyajeet Wayal had purchased an i-Phone 12 Pro on 27.07.2021 from the shop namely M/s Montana, Mukund Nagar, Pune for Rs. 95,000/- for accused Shri Abhishek Tiwari and delivered it to Shri Anand Dilip Daga who further gave the same to Shri Abhishek Tiwari as consideration for leaking the confidential documents of PE & RC. The purchase of said i-Phone is corroborated by Whatsapp chats between Shri Anand Dilip Daga (mobile number 9623456717) and Shri Satyajeet Wayal (mobile number 8698894298). The purchase has also been confirmed by way of collecting the details from the concerned shop and examination of the shopkeeper. Investigation has also revealed that Shri Abhishek Tiwari (A-1) had unboxed the said i-Phone on 07.08.2021. This i-phone was recovered from the possession of Shri Abhishek Tiwari during the search of the office cabin of Shri Abhishek Tiwari (A-1) on 01.09.2021.

26 Investigation has revealed that Shri Satyajeet Wayal has mentioned his mobile number 8698894298 in the KYC form for Savings Account of Paytm Payments Bank Ltd. and the said mobile number is also linked Bank of India, with his A/c No. 050510110013150 maintained with Sadashivpeth, Laxmi Road, Maharashtra which establishes that Shri Satyajeet Wayal was user of this mobile number during the relevant period.

27 That Shri Sayajeet Wayal alongwith Shri Anand Dilip Daga (A-2) was also present at the residence of Shri Anil Deshmukh i.e. Flat No. 1001 and 1101, B Block, Sukhda Apartment, Sir Pochkanwala Road, Worli, Mumbai during search on 24.04.2021 in RC2232021A003. It is pertinent to mention that Shri Abhishek Tiwari (A-1) was also one of the members of the CBI search team during the search of the said premise on 24.04.2021. Investigation has revealed that Shri Sayajeet Wayal has helped in procurement of i-Phone for delivery to Shri Abhishek Tiwari as illegal gratification.

28 That during further investigation, a Letter Rogatory was issued by this Hon'ble Court and has been forwarded to the Competent Judicial Authority of United States

of America requesting to provide information in respect of e-mail dumps of accused persons/suspect/individuals. However, the execution report is still awaited. The same will be submitted in this Hon'ble Court as and when received.

29 During further investigation, exhibit i.e. one sealed Parcel (M-2398/2021 Annexure of Case No. DFS/EE/2021/CF/1887 dated 29.10.2021) was FSL, vide letter number to Director, Gandhinagar 887/RC2182021A0005 CBI/AC-III New Delhi dated 22.04.2022 for examination and the report of the expert on the same is received vide case No. DFS/EE/2022/CF/743 dated 27.04.2022.

30 Further, during further investigation the articles earlier sent to Director, CFSL, CBI, New Delhi were taken back and further sent to the Director, FSL, Gandhinagar vide letter No. 1682/RC2182021A0005 CBI/AC-III New Delhi dated 04.05.2023. The report from FSL, Gandhinagar is also awaited and will be filed in the court as and when received.

3 I have heard the submissions made by Ld. Sr. PP for CBI and have carefully perused the record.

4 After perusal of the complaint, the statement(s) of the witnesses and other relevant documents relied upon by the prosecution, I hereby take cognizance of the offence(s)

punishable U/s 120B r/w Section 379 & 411 IPC r/w section 8 of Prevention of Corruption Act, 1988 (as amended in 2018) and section 43 r/w section 66B of Information Technology Act 2000 and substantive offences thereof in respect of accused persons Pooja Deshmukh, Ms. Rahat Deshmukh, Vikrant Deshmukh and Satyajeet Subhash Wayal as there are sufficient grounds to proceed against the accused persons arraigned in the present charge sheet.

5 Let, accused persons namely Pooja Deshmukh, Ms. Rahat Deshmukh, Vikrant Deshmukh and Satyajeet Wayal be summoned for **01.11.2023**.

6 IO is also directed to appear on NDOH alongwith the copies of the charge sheet and relied upon documents for being supplied to the accused persons.

7 Copy of this order be given dasti to the prosecution, as prayed.

(RAKESH KUMAR III)
Special Judge (PC Act)(CBI)-02
Rouse Avenue District Court
New Delhi/14.10.2023