

**IN THE COURT OF SH. RAKESH KUMAR-III,  
SPECIAL JUDGE (PC ACT) (CBI-02),  
ROUSE AVENUE DISTRICT COURT, NEW DELHI**

**CC no. 66/2021**

**RC05(A)/2021/CBI/AC-III/ND**

**FIR No.RC 20182021A0005 dated 31.08.2021**

**Under Sections 120 B r/w 379, 411 IPC, r/w Section 8 of PC Act  
(as amended in 2018) and Section 43 r/w Section 66B of IT Act  
2000 and substantive offences thereof**

**CNR No.DLCT11-000488-2021**

**CBI Vs. Abhishek Tiwari & Ors**

10.11.2023

**Applications U/s 439 Cr. P. C. seeking grant of bail moved on  
behalf of applicant/accused persons (A-4) Dr. Pooja Deshmukh,  
(A-5) Ms. Rahat Hrishikesh Desmukh, (A-6) Vikrant Deshmukh  
and (A-7) Sh. Satyajeet Wayal.**

Present: Sh. V.K. Pathak, Ld. Counsel for CBI.

Applicants/accused persons (A-4) Dr. Pooja Deshmukh,  
(A-5) Ms. Rahat Hrishikesh Desmukh, (A-6) Vikrant Deshmukh  
and (A-7) Sh. Satyajeet Wayal along with their Ld counsels.

**- :: O R D E R :: -**

1. Vide this order, I shall dispose off the bail applications seeking grant of bail moved on behalf of applicants/accused persons namely (A-4) Dr. Pooja Deshmukh, (A-5) Ms. Rahat Hrishikesh Desmukh, (A-6) Vikrant Deshmukh and (A-7) Sh. Satyajeet Wayal.

2. Bried facts of the case are as under:

**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, ring 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 Satyajeeet 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 Deshumukh, 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. It is stated by Ld counsels for accused persons (A-4) Dr. Pooja Deshmukh, (A-5) Ms. Rahat Hrishikesh Desmukh, (A-6) Vikrant Deshmukh and (A-7) Sh. Satyajeet Wayal that the applicants/accused persons have no relation or connection with the alleged offence and they have been falsely implicated in the present case. It is further stated by the counsels for accused persons that applicants were interrogated by the CBI officers and they were never arrested by the CBI in the present case. It is further stated that charge sheet as well as supplementary charge-sheet in the present case has been filed by the investigating agency without arrest of the applicants/accused persons and there can be no arrest at

the instance of the court. Ld counsels for accused/applicants have relied upon the Judgment of '**Satender Kumar Antil Vs. CBI 2022 SCC OnLine SC 825.**

4. It is further submitted by ld counsel for Vikrant Deshmukh that NBWs were issued by this court and applicant approached the Hon'ble High Court and the Supreme Court. It is further stated that Hon'ble Supreme Court vide order dated 13.04.2023 directed the applicant to appear before SP CBI for joining investigation and further directed the CBI not to take the coercive steps against the applicant. The matter was again taken up on 04.07.2023 by Hon'ble Supreme Court and Hon'ble Supreme Court set aside the NBWs issued against the applicant and applicant was directed to cooperate with the investigating agency. It is further submitted that applicant accordingly cooperated in the investigation and the supplementary charge sheet against him has been filed without his arrest.

5. It is further stated by Ld counsel for accused persons that co-accused namely Abhishek Tiwari, Anand Dilip Daga, Vaibhav Gajendra Tumane have already been granted bail by this court and roles of applicants are similar to that of above mentioned accused persons or on lesser footings and no useful purpose would be served by sending the accused persons to jail.

6. Replies to the applications have been filed by the IO and CBI has strongly opposed the bail applications stating that allegations against the applicants are serious in nature and socio-economic offences constitute a class apart and need to be visited with different approach in the matter of bail.

7. It is contended by Ld. Sr. PP for CBI that there exists every apprehension that in case the applicants/accused persons are

admitted to bail, they would not only try to influence the witnesses but would also try to tamper with the prosecution evidence, which shall frustrate the legal proceedings. It is also submitted that if admitted to bail, the applicants/accused persons may flee and avoid trial.

8. I have heard Ld. Counsel(s) for the applicants/accused persons (A-4) Dr. Pooja Deshmukh, (A-5) Ms. Rahat Hrishikesh Desmukh, (A-6) Vikrant Deshmukh and (A-7) Sh. Satyajeet Wayal and Sh. V.K. Pathak, Ld. Senior PP for CBI and have perused the record carefully.

9. Accused persons (A-4) Dr. Pooja Deshmukh, (A-5) Ms. Rahat Hrishikesh Desmukh, (A-6) Vikrant Deshmukh and (A-7) Sh. Satyajeet Wayal have been charge-sheeted in this case without arrest. It is admitted position of CBI that above named accused persons joined the investigation several times and they have never been arrested.

10. It is argued by Ld. Counsels for the applicants/accused persons that when the accused persons are charge-sheeted without arrest, there can be no arrest at the instance of the court and the said law is also applicable even in cases pertaining to special Acts like NDPS, PMLA etc. To substantiate their arguments, Ld. counsels for the applicants/accused persons have relied upon the judgment titled '**Satender Kumar Antil Vs. CBI 2022 SCC OnLine SC 825**' and the relevant findings of this judgment are as under :-

*“65. We may clarify on one aspect which is on the interpretation of Section 170 of the Code. Our discussion made for the other offences would apply to these cases also. To clarify this position,*

*we may hold that if an accused is already under incarceration, then the same would continue, and therefore, it is needless to say that the provisions of the Special Act would get applied thereafter. It is only in a case where the accused is either not arrested consciously by the prosecution or arrested and enlarged on bail, there is no need for further arrest at the instance of the court. Similarly, we would also add that the existence of a pari materia or a similar provision like Section 167(2) of the Code available under the Special Act would have the same effect entitling the accused for default bail. Even here the court will have to consider the satisfaction under Section 440 of the Code.*

11. Ld counsel for applicant/accused has also relied upon the following judgments:

1. ***Sanjay Chandra vs. CBI (2012) 1 SCC 14,***
2. ***P. Chidambaram vs. Enforcement Directorate (2020) 13 SCC 791***
3. ***P. Chidambaram vs. CBI (2020) 13 SCC 337***
4. ***Judgment dated 13.12.2021 of Hon'ble Supreme Court in SLP (Crl.) No. 5703/2021 titled Bharat Choudhary vs. Union of India.***
5. ***Gurbaksh Singh Sibbia vs. State of Punjab (1980) 2 SCC 565.***
6. ***Gurcharan & Ors. vs. State (AIR 1978 SC 179)***
7. ***Babu Singh vs. State of UP (1978) 1 SCC 179.***
8. ***Judgment of Hon'ble High Court of***

- Delhi in Ashok Sagar vs. State (NCT of Delhi) 2018 VI AD (Delhi) 21.*
9. *Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 469.*
  10. *Judgment dated 06.05.2020 in Crl .M. C. No. 1468/2020 titled State of NCT of Delhi vs. Sanjeev Chawla.*
  11. *Judgment dated 29.05.2020 of Hon'ble High Court of Delhi in Bail Application no. 945/2020 titled Firoz Khan vs. State (NCT of Delhi).*
  12. *State vs. Jagjit Singh (AIR 1962 SC 253).*
  13. *Gurcharan Singh vs. State (Delhi Admn.) (1978 1 SCC 118).*
  14. *Prahlad Singh Bhati vs. State (NCT of Delhi) (2001) 4 SCC 280.*
  15. *Puran Vs. Rambilas (2001) 6 SCC 338.*
  16. *Ram Govind Upadhyay v. Sudarshan Singh (202) 3 SCC 598.*
  17. *Judgment of Hon'ble Supreme Court in Mahender Chawla vs. Union of India (2019) 14 SCC 615.*
  18. *Sukh Ram vs. State (CBI) (1996) 64 DLT 633.*

12. Therefore, in view of the above mentioned discussed points, the law laid down by the Hon'ble Supreme Court of India in Satender Kumar Antil's case (supra) and other similar cases are required to be followed.

13. Further, it is not the case of prosecution that the applicants/accused persons had not cooperated in the investigation or that they did not join the investigation as and when called. It is also submitted on behalf of CBI that the possibility of tampering with the evidence and influencing the witnesses cannot be ruled out seeing the influential position of the applicants, however, the applicants/accused persons have not been arrested even during

investigation so there is no merit in this contention and conditions can be imposed in that regard.

14. In view of the aforesaid detailed observations and the facts and circumstances of the case, having relied upon the law laid down by the Hon'ble Supreme Court in *Satender Kumar Antil v. Central Bureau of Investigation & another* (supra), the fact that the applicants/accused persons were not arrested by CBI/prosecution during investigation and the supplementary charge sheet has been filed without arresting the applicants/accused persons and that nothing has been brought on record by CBI to show that the applicants/accused persons had not co-operated during investigation or had tried to influence any witnesses or tamper with the evidence and that the investigation qua them is complete, the bail applications of above named accused persons stand allowed.

15. Applicants/accused persons (A-4) Dr. Pooja Deshmukh, (A-5) Ms. Rahat Hrishikesh Desmukh, (A-6) Vikrant Deshmukh and (A-7) Sh. Satyajeet Wayal are admitted to regular bail on furnishing personal bond in the sum of Rs.5,00,000/- (Five Lac) each with one surety of the like amount with further conditions as under:

- i. The applicants/accused persons shall not leave the country without prior permission of the Court;*
- ii. The applicants/accused persons shall surrender their passport before this court, if not surrendered yet, within 07 days;*
- iii. The applicants/accused persons shall co-operate and participate in the investigation as and when directed by the Investigating*

*Officer;*

*iv. The applicants/accused persons shall not tamper with the evidence and shall not influence the witnesses;*

*v. The applicants/accused persons shall provide their contact number to the Investigating Officer and shall keep the said mobile in operational modes so that the Investigating Officer as and when required can contact them.*

16. The applications of above mentioned accused persons stand disposed off accordingly.

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

Announced in the open court on  
10.11.2023.

**(Rakesh Kumar-III)**  
Special Judge (PC Act)(CBI)-02  
Rouse Avenue District Court  
New Delhi/10.11.2023