

**CBI Vs. M/s. Green Valley Plywood Ltd.  
CC No. 278/2019  
RC No.6(E)/2015/BD1/CBI/BS&FC/ND  
U/s 120B r/w Section 420/467/468/471 IPC &  
13(2), 13(1)(d) PC Act**

**31.01.2020**

Present : Sh. V.K. Pathak, Ld. PP for CBI along with IO  
Inspector Ramesh Kumar, Pairvi Officer.  
Sh. Anil Kumar, Sh. Rakesh Wadhwa and Sh. Sahil  
Sharma, Ld. Counsels for A-1, A-2, A-3, A-4, A-5, A-7,  
A-8, A-9 and A-10. **(fresh vakalatnama filed)**.  
Sh. Siddharth Batra and Sh. Aditya Singla, Ld.  
Counsels for A-6.  
Sh. Jitendera Ranvijay, Ld. Counsel for A-11.  
Sh. Bhanu Gupta and Sh. Akshat Singh, Ld. Counsels  
for A-12.

Accused Jagmohan Kejriwal (A-2) for self and for (A-1), Anju Kejriwal (A-3), Mukesh Sharma (A-4) for self and for (A-7) and (A-8) and Ashok Kumar Raheja (A-12) are present.

Accused Pramod Kumar Varshney (A-5), Ramesh Chander Juneja (A-6) and Sukhdev Raj Khinchi (A-11) are absent.

Three separate applications for exemption have been moved on behalf of accused persons Pramod Kumar Varshney (A-5) for self and (A-9) and (A-10), Ramesh Chander Juneja (A-6) and Sukhdev Raj Khinchi (A-11). Heard. In view of reasons stated and in the interest of justice, the said accused persons are allowed to be exempted from personal appearance for today only.

Four separate applications u/s. 437/439 CrPC for grant of bail have been moved on behalf of accused persons

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Jagmohan Kejriwal, Anju Kejriwal, Mukesh Sharma and Ashok Kumar Raheja.

It is stated that the applicants / accused persons have joined the investigations on several occasions(s) as and when called by the IO and the investigations are complete. It is further stated that the charge sheet has now been filed and the accused persons undertake to appear on each and every date.

On the other hand, Ld. PP for CBI opposes the bail application(s), however, it has been held in the judgment ***Court on its Own Motion Vs. Central Bureau of Investigation 109 (2003) DLT 494*** in the relevant para as under :

***(V). The court shall on appearance of an accused in non-bailable offence who has neither been arrested by the police / investigating agency during investigation nor produced in custody as envisaged in Section 170,Cr.P.C. call upon the accused to move a bail application if the accused does not move it on his own and release him on bail as the circumstance on his having not been arrested during investigation or not being produced in custody is itself sufficient to entitle him to be released on bail. Reason is simple. If a person has been at large and free for several years and has not been even arrested during investigation, to send him to jail by refusing bail suddenly, merely because charge-sheet has been filed is against the back principles governing grant or refusal of bail.***

In view of the clear directions of the Hon'ble Court contained above, that the court shall on appearance of the accused in non-bailable offence(s), wherein he has neither been arrested by the police / investigating agency during investigation nor produced in custody, shall call upon the accused to move a bail

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application, if the accused does not move it, on its own release him on bail, as the circumstance of his having not been arrested during the investigations or not being produced in custody is itself sufficient to entitle him to be released on bail. In view of the clear mandate of the Hon'ble High Court in the said judgment, which has been re-iterated in various judgments from time to time, it is clear that when the accused is not arrested by any investigating agency nor has been produced in custody at the time of filing of the charge sheet in the court, then there is no reason to send him to jail by declining the bail, when he appears before the court after filing of the charge sheet.

In these facts and circumstance, in view of the clear mandate of the Hon'ble Superior Court(s), since the accused persons were never arrested during the investigations and have been charge sheeted without arrest and they have co-operated in the investigations, in these facts and circumstances, **the accused persons Jagmohan Kejriwal, Anju Kejriwal and Mukesh Sharma are admitted to bail on furnishing personal bond in the sum of Rs. 1 Lakh each with one surety of like amount each, whereas accused Ashok Kumar Raheja is admitted to bail on furnishing personal bond in the sum of Rs. 50,000/- with one surety of like amount, subject to the conditions that they will deposit their respective passport(s) in the Court on 03.02.2020 and will not leave the country without permission of the court and they will not contact or influence the witnesses nor they will temper with the evidence. Further, the said accused persons will also mark their attendance once every month initially for a period of one year with the office of SP, CBI, BS&FC, Plot No. 5-B CGO**

**Complex, Lodhi Road, New Delhi.**

Bail bond(s) furnished on behalf of accused persons Jagmohan Kejriwal, Anju Kejriwal are accepted till the next date of hearing.

Bail bond(s) furnished on behalf of accused persons Mukesh Sharma and Ashok Kumar Raheja are accepted.

Put up for further proceedings on 14.02.2020. However, matter be also listed on 03.02.2020 for submission / deposit of the passport(s) by the accused persons namely Jagmohan Kejriwal, Anju Kejriwal, Mukesh Sharma and Ashok Kumar Raheja.

IO be summoned for the next date of hearing i.e. 14.02.2020 for compliance u/S. 207 CrPC.

**SANJEEV AGGARWAL  
Special Judge-CBI (PC Act)-02  
Rouse Avenue Court/New Delhi  
31.01.2020**