

Bail Application No. 731/2019

RC No. 221/2019/E0002/EO-III-New Delhi

U/s 120B r/w 420 of IPC and 66 D IT Act, 2000 and
also Sec. 467,468,471 IPC and Sec. 66 r/w 43 IT Act, 2000.

CBI Vs. Bhaskar Choudhary & Anrs.

23.07.2019

Present:- Sh.Harsh K. Sharma, Id.counsel for applicant/accused
Bhaskar Choudhary.
Sh. B.K. Singh, Id. Sr.PP for CBI along with DSP/IO B.P.
Raju.

This is a bail application under section 439 Cr.P.C. filed on
behalf of applicant/accused Bhaskar Choudhary.

It has been argued on behalf of applicant/accused that
applicant/accused has been falsely implicated in the present case;
applicant/accused has no role in the present case and has been arrested
without any base; applicant/accused is in custody since 23.05.2019 and
during investigation, CBI has taken the custody of the applicant/accused
for twelve days but nothing incriminating has been recovered from the
possession of the applicant/accused. He further argued that other
accused in the present case has already been granted bail on 09.07.2019
and the role of the present applicant/accused is similar to the role of
other co-accused and on the basis of parity, he is entitled to be enlarged
on bail. He further argued that besides the ground of parity, there are
other grounds which have been narrated in the application for bail viz
the applicant/accused is no more required by the CBI in any manner
whatsoever and all the documents have already been seized by the CBI
and are in their custody; applicant/accused has unblemished record and

clean antecedents and the applicant/accused has deep roots in the society. He further argued that grant of bail is rule and its rejection is an exception as has been held by the Superior courts in various judgments. On these premise, he prayed that the applicant/accused be granted bail in the present case.

Reply to the bail application has been filed on behalf of the CBI. It has been argued on behalf of CBI that applicant/accused is Managing Director of M/s Pathway Group, Delhi and Partner of M/s Stakwise Technologies, Vadodara and M/s Pulse Global Services, Vadodara. It has been further argued that the present applicant/accused is mastermind of the conspiracy and the allegations against him are specific. It has been further argued that during investigation searches were conducted at the residential and office addresses of the accused persons at Delhi and various places at Gujarat from where the CBI has collected incriminating documents including various hall tickets of BITSAT-2019 online examination, various blank signed cheques, various education certificates in original, digital evidence like various hand disks, laptops, pendrives, various other devices etc. besides recovery of Rs.33,44,540/-. Specific incriminating evidence in the shape of recorded conversation of the applicant/accused with the complainant, recovery of whatsapp chat, recovery of list of students/interested parents from the e-mail ID of applicant/accused, seizure copy of hall tickets from the applicant/accused and the recovery of Rs.22,44,540/- from the the applicant/accused. It has been further argued that the investigation is at crucial stage and some of the

witnesses are yet to be examined and in case the applicant/accused is released on bail, he would influence such witnesses as the witnesses are having acquaintance with the applicant/accused. It has been further argued that the applicant/accused is also involved in other cases of cheating in Delhi and Mumbai and prayed that the application be dismissed.

Heard.

The allegations against the applicant/accused are grave and serious in nature. As per the material on record, applicant/accused is the mastermind and main conspirator in the present case and there are specific allegations against him that he used to contact the prospecting candidates for securing their online examinations through illegal means. The act of the accused is that of playing with the life and future of deserving, aspiring and meritorious students. The investigation is at crucial stage. The applicant/accused is also involved of various criminal cases of cheating at Mumbai and Delhi. Considering the facts and circumstances of the matter, this court is not inclined to grant bail to applicant/accused Bhaskar Choudhary at this stage. Application is accordingly dismissed.

Copy of this order be given dasti.

(Anurag Sain)
Additional Sessions Judge,
Rouse Avenue Courts Complex, Delhi
23.07.2019