

24.06.2026

ORDER

1. This order will decide the second application under Section 483 BNSS for grant of regular bail filed on behalf of applicant/accused Yash Gupta in FIR No. RC2172026A0005, P.S. CBI, AC-II, New Delhi u/s 61(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 7, 8, 9, 10 of the Prevention of Corruption Act, 1998.

Factual matrix:

2. The present case RC2172026A0005/AC-II/New Delhi has been registered on 18.05.2026 against Colonel Himanshu Bali, Akshat Agrawal, Mayank Agarwal, Ashutosh Shukla, Naresh Pal and unknown others for the offences punishable under Sections 61(2) of BNS, 2023 read with Sections 7, 8, 9 and 10 of the Prevention of Corruption Act, 1988.

3. It is the case of CBI that accused Colonel Himanshu Bali, Army Ordnance Corps, Eastern Command, Fort William, Kolkata, in connivance with private contractor Shri Akshat Agrawal of M/s Eastern Global Limited, Kanpur, along with other unknown officials, has been indulging in corrupt practices involving demand and acceptance of illegal gratification for

extending undue and illegitimate favours to Shri Akshat Agrawal and his firm. These favours include manipulation in award of tenders, approval of substandard samples, and clearance of pending and inflated bills.

4. It is further alleged that M/s Eastern Global Limited, Kanpur Nagar, Uttar Pradesh, along with its subsidiary firms, is engaged in supplying various items to defence establishments across India. Akshat Agrawal manages the operations of the said firms/companies. Akshat Agrawal, along with his father Mayank Agrawal maintain regular contact with Colonel Himanshu Bali for obtaining undue favours for their companies through illegal means, in connivance with other unknown officials. It has further been averred that multiple tenders have been awarded to their firms by Eastern Command, Kolkata, in exchange for substantial bribes paid to Colonel Himanshu Bali and other unknown officers

5. It is further alleged that during March-April 2026, a tender was awarded to M/s Eastern Global Limited in lieu of payment of huge bribe amounts. In this regard, Akshat Agrawal and Colonel Himanshu Bali were in regular contact. On 22.04.2026, both individuals met personally outside official working hours at Park Street, Kolkata, to discuss matters related to the said tender. Subsequently, on 24.04.2026, the tender was successfully awarded to M/s Eastern Global Limited as a result of alleged undue favour by Colonel Himanshu Bali.

6. Further, on 16.05.2026, Colonel Himanshu Bali contacted Akshat Agrawal and reminded him about the bribe amount due as per prior commitment, directing that the same be delivered in the Delhi-NCR region. In response, Akshat Agrawal apologized and conveyed that he was facing cash constraints owing to the large amount involved. On the same day, Colonel Himanshu Bali allegedly contacted Ashutosh Shukla, driver/associate of Akshat Agrawal based in Delhi, and instructed him to ensure delivery of the bribe amount to Naresh Pal, an associate of Colonel Himanshu Bali, without fail.

7. It is the case of CBI that on 18.05.2026, Akshat Agrawal was making arrangements of approximately Rs 50 lakh for delivery to Naresh Pal in Delhi, towards the remaining bribe amount allegedly payable to Colonel Himanshu Bali. Ashutosh Shukla was likely to collect the said amount from Chandni Chowk, Delhi, through hawala channels and deliver the same to Naresh Pal, an associate of Colonel Himanshu Bali, at any time.

8. To verify the said information, a CBI team led by Shri Sunil Kumar, Dy. SP, CBI, AC-II, New Delhi along with his team members and independent witnesses assembled at the office of CBI, AC-II, New Delhi at about 1815 hrs. The contents of the FIR and purpose of laying the trap were explained to all team members and independent witnesses. After briefing all team members and independent witnesses, it was decided to recover the bribe amount of Rs. 50,00,000/- (Fifty lacs) from the custody of accused Naresh Kumar Pal and to apprehend him and

Ashutosh Shukla, who had delivered the said bribe amount on behalf of Akshat Agarwal to Naresh Kumar Pal.

9. That the bribe amount of Rs. 50,00,000/- which was delivered by Ashutosh Shukla on behalf of Akshat Agarwal to Naresh Kumar Pal on 18.05.2026, was recovered from the house of Yash Gupta at F-60, Sector-44, Noida on 18/19.05.2026.

10. It is the case of CBI that investigation revealed that Naresh Kumar Pal is working in a company of Yash Gupta and upon his direction, Naresh Kumar Pal had collected bribe amount of Rs. 50,00,000/- from Ashutosh Shukla. Investigation further revealed that Yash Gupta had received instructions from his friend Col. Monark Sadh, presently residing in Pune, for collection of the said bribe amount. As per request of Col. Monark Sadh, applicant Yash Gupta deputed his staff namely Naresh Kumar Pal for receiving the bribe amount from Ashutosh Shukla.

Case of the prosecution:

11. Ld. PP for CBI submitted that the applicant Yash Gupta had received instructions from his friend Col. Monark Sadh, presently residing in Pune, for collection of the said amount. As per request of Col. Monark Sadh, Yash Gupta deputed his staff namely Naresh Kumar Pal for receiving the bribe amount from Ashutosh Shukla. After receiving of amount of Rs. 50 lacs, Naresh Kumar Pal kept the said amount in the residence of Yash Gupta at F-60, Sector-44, Noida and the said amount was recovered by CBI from the residence of Yash Gupta

on 18/19.05.2026. He further submitted that investigation has revealed that Col. Himanshu Bali had requested his friend retired Col. Monark Sadh to collect his amount at Delhi. Further, retired Col. Monark Sadh directed his friend Yash Gupta to facilitate the said transaction.

12. Ld. PP for CBI argued that the first bail application of accused Yash Gupta was dismissed by the Ld. Spl CBI, Judge, RADC vide order dated 01.06.2026.

Arguments on behalf of the applicant/accused:

13. Ld. Counsel for the applicant/accused submitted with respect to the role of the applicant/accused that the applicant/accused has been falsely implicated in the present case. He submitted that the applicant/accused is nowhere a part of any alleged conspiracy. His submission is as under:

a. The applicant is a family man with no criminal antecedents. He is a father of two kids, one boy and one girl and is the sole earning member of his family with deep roots in the society and family residing in Delhi-NCR, and thus, there is no possibility of him absconding or evading the process of law.

b. The first regular bail application of the Applicant was dismissed by the concerned court vide order dated 01.06.2026 mainly on the ground that the bribe money was recovered from the premises of the applicant and that the extent of his complicity in the commission of crime is still under probe. Ld. Counsel for the applicant argued that the circumstances have

changed since the order of dismissal of the first bail application as despite thorough and long investigation, CBI has not been able to attribute any specific role to the applicant and is still dependent upon the outcome of the retrieval of the digital/electronic evidence which will inevitably take a long time to be retrieved.

c. One Monark Sadh, who is allegedly the person who asked the applicant/ accused to collect the money and has been labelled as an aider and assister of Colonel Himanshu Bali in the offence alleged was asked to appear on 26.05.2026 and he even joined the investigation for 3 consecutive days i.e. till 29.05.2026 but the applicant has not been confronted with Monark Sadh till date. He further argued that Monark Sadh, at whose instance the present applicant had allegedly picked up the money was only summoned by the CBI and has not even been arrested.

d. The Applicant was neither named in FIR nor in the alleged Source Information which means that the Applicant is not the originator of the offences alleged.

e. Till date, after 4 days of Police Custody and over 33 days of Judicial Custody, the Investigating Agency has not been able to dig any material let alone any new allegations than the ones alleged above.

f. No confrontation of the Applicant and the other apprehended accused persons like Colonel Bali, Mayank Agrawal and Akshat Agrawal has been done which only enures

to the benefit of the Applicant as it cements his contention of not knowing the said accused persons.

g. The only link which allegedly connects the Applicant with the present case is Monark Sadh, who till date has not been arrested and upon whose instructions the Applicant had received the amount of Rs. 50 Lacs in cash.

h. There is no specific allegation or even material which has been discovered by the Central Bureau of Investigation against the present Applicant apart from digital evidence which till date has not been retrieved.

i. Applicant has no connection or link with any of the co-accused persons in the above captioned FIR in which the Investigating Agency is seeking to rope the present Applicant. The Applicant has been sought to be projected as an abettor to the crime on the alleged recovery of Rs. 50 Lakhs, for which the Investigating Agency has failed to show or demonstrate that the Applicant had any conscious knowledge or mens rea regarding the transaction between the co-accused persons.

j. The Applicant received the amount of Rs. 50 Lakhs on the instructions of Colonel Monark Sadh, who is only a Business acquaintance of the Applicant as the Applicant used to deal with his father who runs a business of Solar Panels. It is respectfully submitted that on the fateful day of 18.05.2026, the Applicant happened to help Colonel Monark Sadh solely in the limited capacity of being a business acquaintance without having

any conscious knowledge about the nature as well the transaction behind the same.

k. Colonel Monark Sadh had made an express request to the Applicant herein for receiving the said cash on his behalf and safe keeping till he retrieves it. It was in this context that the Applicant simply gave him the Phone Number of Driver/Associate Naresh Pal in order to facilitate the same.

l. Ld. Counsel for the applicant argued that neither the Applicant nor his driver Naresh Pal were made aware by Colonel Monark Sadh as to nature and source of the cash. To the great misfortune of the Applicant his driver Naresh Pal was instructed by Colonel Monark Sadh to have the cash delivered at Applicant's home only, from where it would be collected later on.

m. It is further stated that the conduct of the applicant is in itself reflective of the fact that he had no mental awareness or conscious knowledge about the alleged tainted nature of the cash as even if it is presumed without admitting that he knew about the source of the cash then, it is a matter of prudence, that he would have made some effort to conceal the same at some remote location and not have it delivered straight to his residence.

n. Till date, the Investigating agency has not been able to show any material on record to demonstrate that the Applicant was a conspirator and had the mens rea to be a part of the alleged

crime. Further, the Investigating Agency has also failed to demonstrate the fact that any monetary benefit was indeed attributable to the Applicant in order to be a part of the crime.

o. No “Nexus” has been established by the Investigating Agency as apart from their reliance upon electronic data which is yet to come and might not even be retrieved for months there is no other evidence or even minute material to suggest the connection or nexus of the present Applicant with either the main accused persons or the offences alleged.

p. Ld. Counsel for the applicant/accused further submitted that the applicant/ accused is the sole bread earner of his family and has two small children to look after. He submitted that the applicant is a permanent resident of Delhi and thus, there is no flight risk. Therefore, he has requested that the applicant/accused may be released on bail.

14. I have carefully considered the submissions of Ld. Counsel for the applicant/accused and Ld. PP for CBI and perused the case file as well as the report of the IO.

Examination & Analysis:

15. Perusal of record reveals that the applicant/accused Yash Gupta has been in custody since 19.05.2026.

Case law on the point of Bail:

16. In the case of **Siddharam Saltingappa Mhetre Vs. State of Maharashtra (2011) 1 SCC 694**, the Hon’ble Supreme Court observed as under:

“3. The society has a vital interest in grant or refusal of bail because every criminal offence is the offence against the State. The order granting or refusing bail must reflect perfect balance between the conflicting interests, namely, sanctity of individual liberty and the interest of the society. The law of bails dovetails two conflicting interests namely, on the one hand, the requirements of shielding the society from the hazards of those committing crimes and potentiality of repeating the same crime while on bail and on the other hand absolute adherence of the fundamental principle of criminal jurisprudence regarding presumption of innocence of an accused until he is found guilty and the sanctity of individual liberty.

...

127. Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case."

17. Further, in the case of **Moti Ram Vs. State of M.P.** (1978) 4 SCC 47, the Hon'ble Supreme Court held:

“The consequences of pre-trial detention are grave. Defendants presumed innocent are subjected to the psychological and physical deprivations of jail life, usually under more onerous conditions than are imposed on convicted defendants. The jailed defendant loses his job if he has one and is prevented from contributing to the preparation of his defence. Equally important, the burden of his detention frequently falls heavily on the innocent members of his family.”

18. In the case of **Sanjay Chandra vs CBI** **Crl. Appeal No.2178 of 2011 decided on 23 November, 2011**, it was held by Hon'ble Supreme Court that:

“In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon.

The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.”

19. From the above judgments passed by Hon’ble Supreme Court, it is clear that the basic rule is bail and jail is an exception except where circumstances suggest that the accused may flee from justice or thwart the course of justice or repeat offences or intimidate witnesses. In the present case, the applicant/accused has been in custody since 19.05.2026. Ld. Counsel for applicant/accused has averred that applicant/accused will comply with all the conditions imposed by this court.

20. While the case of CBI is that the tainted money was recovered from the possession of the applicant/ accused but CBI has failed to show any *prima facie* link between the applicant/ accused and the main accused Col. Himanshu Bali at this stage. It is the case of the applicant/ accused that the applicant/ accused got the money picked up being the business associate of Monark Sadh and had no knowledge regarding the commission of any crime. On questioning by this court, the IO stated that it is correct that as per investigation, Monark Sadh had asked the

applicant/ accused Yash Gupta to get the money picked up and it is also correct that the said Monark Sadh has not stated anytime during investigation till now that he had told the applicant/ accused or his driver Naresh Pal about the source of the said money or the purpose for which it was to be picked up or that the same was with respect to commission of some crime.

21. Perusal of record reveals that more than 35 days have already passed since the remand of the applicant/ accused and no *prima facie* connection has been established between the main accused Col. Himanshu Bali and the applicant/ accused Yash Gupta till now. The applicant cannot be kept in the jail for an indefinite period. Clearly, the investigation was at a nascent stage when the first bail application was moved but now, thorough investigation has already taken place. This bail application cannot be rejected merely because the first bail application was dismissed. This court is of the view that since the applicant/accused has been in judicial custody since 19.05.2026 and admittedly personally not required in investigation, therefore, his continued incarceration will not solve any purpose. There is a presumption of innocence of the accused and the applicant/accused cannot be detained as a punitive measure. Considering the above, I am of the view that bail cannot be denied to the applicant/accused as a punishment when he would be facing the trial in accordance with law. Therefore, **the application for bail is allowed. Applicant/accused Yash Gupta is directed to be released on bail, on furnishing personal bond in the sum of Rs. 1,00,000/- with one surety in the like sum and subject**

to the following conditions:

- 1. That he will surrender his passport before the concerned court and in case the same is already surrendered or seized in any other case, the proof or receipt thereof will be produced before the concerned court at the time of presenting the bail bonds and if he does not possess a passport, then an affidavit to this effect will be filed by him or any member of his family before the court to this effect;*
- 2. That he will not leave the country without prior permission of the court;*
- 3. That he will not threaten or influence the witnesses of this case and will not even make an attempt to do so in any manner whatsoever;*
- 4. That he will not tamper with the evidence of this case and will not even make an attempt to do so in any manner whatsoever; and*
- 5. That he will join the ongoing investigation and cooperate with the IO in case he is required to do so, even after his release on bail in terms of this order.*

22. If the applicant/accused is found to be violating any of the above conditions, CBI shall be at liberty to move an application for cancellation of bail.

23. The bail application of the accused stands allowed and disposed off accordingly with the above observations.

However, nothing contained herein shall tantamount to expression of any opinion on merits of this case.

24. E-copies of this order be given dasti to Ld. Counsel for the applicant as well as to the Ld. Senior PP for CBI through Whatsapp/e-mail and a copy of the order be kept in the file and a copy of order be also sent to the Jail Superintendent concerned for his information and records.

(Dr. Ruchi Aggarwal Asrani)
Vacation Judge
Special Judge (PC Act)(ACB)-02
Rouse Avenue District Courts
New Delhi/24.06.2026