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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL. APPEAL NO.380/2018**

**MR VIINOD KUMAR GUPTA THROUGH PEROKAR MR.
VIBHOR GUPTA (SON) Petitioner**

Through: **Mr. Mohit Mathur, Sr. Adv. with
Mr. Siddharth Tyagi, Adv.**

versus

CENTRAL BUREAU OF INVESTIGATION..... Respondent

Through: **Mr. Ripu Daman Bhardwaj, SPP for
CBI**

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% 29.03.2018

CRL.M.A. /2018 (Ex.) (to be numbered)

Exemption allowed subject to all just exceptions.

The application is disposed of.

**CRL APPEAL /2018 (to be numbered) & Crl.M.B. /2018
(to be numbered)**

The matter has been taken up in view of noting by the Senior Judicial Assistant to the effect that the matter in terms of proceedings of the even date has been directed to be listed before this Court.

The appeal has been filed by the appellant against the impugned judgment dated 27.3.2018 of the learned Court of the Special Judge, CBI-01, North West, Rohini Courts Complex in CBI No.75/16 (Old

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No.25/09 and against the impugned order on sentence dated 28.3.2018.

Initial submissions made on behalf of the appellant.

Notice of the appeal and of the application seeking suspension of sentence is issued to the CBI.

Mr. Ripu Daman Bhardwaj, SPP accepts notice on behalf of CBI.

Placed on record is the application under Section 389 Cr.P.C. read with Section 482 Cr.P.C. filed on behalf of the appellant seeking suspension of sentence qua which the prayer on behalf of the appellant is presently confined to the grant of interim bail for performance of the marriage ceremonies of his niece submitting to the effect that the niece of the appellant is to get married on 31.3.2018 at City Park, Green Resort, G.T.K Road, Alipur, New Delhi-110036 submitting to the effect that the appellant being the head of his family and as he has taken care of his niece since her birth as the younger brother of the appellant has a long and painful history of depression and mental fatigue, the appellant shall also be doing the Kanya Daan in the wedding. The marriage card indicating the marriage of Ms. Sakshi, the stated niece of the appellant is placed on record showing the date of the marriage as 31.3.2018 and the card is indicated to have been issued on behalf of the appellant/applicant Vinod Kr Gupta and his brother Ravi Kant Gupta, father of Ms. Sakshi. There are photographs placed on the record of the roka ceremony which is stated to have taken place on 24.3.2018 qua which it has been



submitted on behalf of the appellant that all ceremonies were performed by the appellant, he being the head of the family.

On behalf of the CBI, the application has been vehemently opposed submitting to the effect that the father of Ms. Sakshi being alive and also visible in the photographs and is not visibly suffering from any mental fatigue or depression, and is seen smiling in the said photographs, there is no ground for grant of interim bail as prayed on behalf of the appellant.

Submissions have been made on behalf of either side. It has been submitted on behalf of the applicant/appellant that he **was on bail till 27.3.2018.**

Taking into account the factum that the learned senior counsel for the appellant at Bar states the person visible in the photographs on pages 291, 292 and 293 performing the roka ceremony qua the proposed bridegroom of Ms. Sakshi is the appellant, taking the said aspect into account that the appellant has performed the roka ceremony for his niece on **24.3.2018** as submitted on behalf of the appellant, in the interest of justice, the appellant is allowed to be taken in custody by the personnel of the Tihar Jail, Delhi on 31.3.2018 for the marriage ceremonies of Ms. Sakshi with Mr. Rohit, to reach the venue of the marriage i.e. Rajdarbar, Gate No.2, City Park Green Resort, Pala Bakhtawarpur Road, G.T. Karnal Road, NH-1, New Delhi-110036 by 4.00 p.m. on 31.3.2018 so that he may attend and perform the ceremonies for the marriage on 31.3.2018 and also for the Doli ceremony on 1.4.2018 qua Ms. Sakshi at the said venue,



during which period the appellant be not kept in fetters and the police personnel in whose custody the appellant is taken are directed to be in civil dress with the direction that the appellant shall be brought back to the Tihar Jail on 1.4.2018 by 4 p.m.

The Superintendent, Tihar Jail, Delhi and the SHO, P.S. Alipur shall also ensure the presence of the police personnel in civil dress on 31.3.2018 and on 1.4.2018 at the place of the marriage and the place of Doli ceremony from 4.00 p.m. on 31.3.2018 to 4.00 p.m. on 1.4.2018 and shall ensure the compliance of the directions hereinabove that the appellant is taken in custody on 31.3.2018 to the venue of the marriage and Doli ceremony of the niece of the appellant and is brought back in Tihar Jail, Delhi by 4.00 p.m. on 1.4.2018.

The compliance report in relation thereto be submitted by 3.4.2018 by the Superintendent, Tihar Jail, Delhi and by the SHO, PS Alipur.

Response to the appeal and to the application seeking suspension of sentence be filed by CBI within three weeks and the matter be placed before the concerned Roster Bench, subject to the orders of the Hon'ble Acting Chief Justice on 25.4.2018.

Copy of the order be given dasti under the signatures of the Private Secretary.

ANU MALHOTRA, J

MARCH 29, 2018/aj

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