

IN THE COURT OF SHRI CHANDRA SHEKHAR, SPECIAL JUDGE
CBI-19 (PC ACT), ROUSE AVENUE DISTRICT COURT, NEW
DELHI

Case/Crime No. RC221/2020/
E0002/CBI/EO-III/New Delhi
U/s: 420 IPC & Sec. 43, R/W Sec.
66, 66-C, 66-D of Information
Technology Act, 2000
Yogendra Pratap Singh Vs. CBI

03.10.2020

Presence:

(Through CISCO Webex Meetings App)

Ld. Counsel Sh. Shashank Tripathi for accused Yogendra
Pratap Singh.

Sh. Amit Kumar, Ld. Public Prosecutor for CBI along with
IO Sh. B.P. Raju, Deputy Superintendent of Police, CBI-EO-III/EOU-IX,
New Delhi.

Ld. Counsel Sh. Shahshank Singh for the complainant.

**Order on Application of Accused Yogendra Pratap Singh seeking
Anticipatory bail.**

An application seeking anticipatory bail was moved by
accused Yogendra Pratap Singh before Ld. Principal District & Sessions
Judge, Rouse Avenue District Courts, New Delhi, who assigned the said
application on 21.09.2020 to this court for hearing and disposal of the
same.

Today, all the parties, as per previous order dated 28.09.2020
were to file their respective written submissions on the aforesaid

application but Ld. Defence Counsel for the accused has submitted that accused does not want to press his application at this stage, therefore, application may be dismissed as withdrawn.

Ld. Public Prosecutor for the CBI, IO of the case and Ld. Counsel for the complainant have no objection for the same, therefore, the application is dismissed as withdrawn as not pressed and disposed of accordingly.

A copy of this order is being sent through Whats App to Sh. Raj Kumar, Reader of this court with a direction to get this order uploaded on the official website of Delhi District Courts at the earliest through Computer Branch, Rouse Avenue Courts Complex, New Delhi. He is also directed to send a Whats App copy of the order to the respective counsels of the parties at the earliest. A signed hard copy of the order shall be placed on record as soon as work is resumed from the Court premises of Rouse Avenue District Courts, New Delhi.



(CHANDRA SHEKHAR)
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IN THE COURT OF SHRI CHANDRA SHEKHAR, SPECIAL JUDGE
CBI-19 (PC ACT), ROUSE AVENUE DISTRICT COURTS, NEW
DELHI

Ref. : RCAC-1, 2020A0004
registered U/s: 7A, 8, 9, 10 & 12
of PC Act, 1988, r/w Sec. 120-B
of IPC.
CBI Vs. N.M.P. Sinha & ors.

03.10.2020

Presence:

(Through CISCO Webex Meetings App)

03.10.2020

Sh. Raman Kumar, Ld. Sr. Public Prosecutor for CBI along
with IO Ravinder Kumar, Inspector of Police, CBI, AC-1, New Delhi.

Accused No. 1 N.M.P. Sinha.

Accused No. 2 Vinay Jalan.

Ld. Counsel Ms. Daljeet Kaur, from Legal Aid for accused
no.1 N.M.P. Sinha.

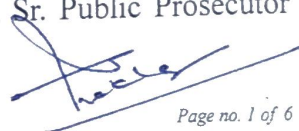
Ld. Counsel Sh. Shree Prakash Sinha for accused no.2
Vinay Kumar Jalan.

**ORDER ON THE APPLICATION OF CBI SEEKING POLICE
CUSTODY REMAND OF ACCUSED NO.1 N.M.P. SINHA AND
ACCUSED NO.2 VINAY KUMAR JALAN**

Today an application seeking police custody remand of
accused no.1 N.M.P. Sinha and accused no.2 Vinay Kumar Jalan was
moved by IO Ravinder Kumar, Inspector of Police, CBI, AC-1, New
Delhi before Ld. Principal District & Sessions Judge-cum-Special Judge,
CBI, Rouse Avenue District Courts, New Delhi, who assigned the said
application to this court for hearing and disposal of the same.

I have heard the submissions of Ld. Sr. Public Prosecutor





for CBI, accused No. 1 N.M.P. Sinha in person and Ld. Counsel Sh. Shree Prakash Sinha for accused No.2 Vinay Kumar Jalan through CISCO Webex Meeting App arranged by Sh. Rajkumar, Reader of this Court.

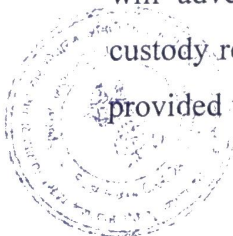
The Ld. Counsel Ms. Daljeet Kaur, who was appearing from legal aid for accused no.1 N.M.P. Sinha could not make any submission as she was neither audible nor visible on CISCO Webex Meeting App.

Ld. Sr. Public Prosecutor for CBI has submitted that the accused no.1 N.M.P. Sinha is an Ex-SP CBI, New Delhi; he is a resident of C-149, Sector 37, Ashoka Enclave, Part-II, Faridabad; he during his service, was supervisory officer of the case No. RC-17(E)/2016 dated 20.09.2016, registered against I.D. Paswan, the then Director (Mines), Govt. of Jharkhand, M/s Usha Martin Ltd., and other unknown persons; he retired from CBI on 31.08.2020; he was in conspiracy with accused no.2 Vinay Kumar Jalan, CA, resident of 48, CART, Sarai Road, Upper Bazar Ranchi and other accused persons, who are named or unnamed in the present FIR; he demanded an amount of Rs.50,00,000/- (Rs. Fifty lacs) from accused no.2 on 23.09.2020 during their meeting at Hotel ITC Maurya, New Delhi to use his influence over the CBI officers who were/are looking after the investigation or finalization of the investigation of the aforesaid case RC No. 17(E)/2016; the said amount was to be paid in installments; the accused Vinay Kumar Jalan decided to deliver bribe of Rs.20 lacs (Rupees Twenty lacs) to accused N.M.P. Sinha to get the requisite work done; the accused Vinay Kumar Jalan delivered an amount of Rs. 25 lacs to accused N.M.P. Sinha; they both were intercepted at Connaught Place, New Delhi and the said amount of Rs.25 lacs was recovered on 02.10.2020 from the aforesaid residence of accused N.M.P. Sinha; both the accused persons were arrested; they were medically examined at Safdarjung Hospital and thereafter, the present



application seeking police custody remand has been moved on the grounds that the other accused persons, who are named or un-named in the FIR, are to be arrested, searches at several places including Ranchi have to be made; the accused persons are to be taken to Ranchi, they are required to be confronted with other unnamed or unnamed accused persons and thoroughly interrogated in their presence; recovery of other relevant incriminating documents are to be made; the visiting to Ranchi by train will take considerable time, the flights are not regular due to Pandemic Covid-2019, the FIR of the present case with permission of the higher authorities of CBI will be uploaded within 72 hours, the same has not been uploaded since uploading of the same will leak the substantial information and hamper the investigation of the case. A request is made for granting police custody remand for 10 days.

The accused no.1 N.M.P. Sinha has submitted that investigation of case no. RC No. 17(E)/2016 dated 20.09.2016 has already been completed a long time back and only formal decisions are to be taken by the concerned officers of CBI; he has already been retired therefore, he was/is not in a position to influence the CBI officers regarding investigation of the said case in any manner whatsoever; the recovery in the present case has already been effected, the documents have already been collected, searches have already been made, therefore, there is no ground for granting further police custody remand. On humanitarian ground, he requests that he is a patient of high blood pressure, diabetic, hernia, his kidneys are also not functioning properly and he had undergone operation for hernia recently; the granting of police custody remand, when Pandemic Covid-2019 is on its extremes will adversely affect his health, however, if the court grants police custody remand, then directions may be given to CBI that he should be provided with proper food since he is diabetic, he should be permitted to



talk to his wife, his family members and Advocates thrice a day, at least fifteen minutes each time on telephone and the CBI be directed to supply copy of FIR to him.

Ld. Counsel for accused no.2 Vinay Jalan has submitted that the investigation of the case is already over, accused is an advocate and is patient of fluctuating blood pressure, accused may be permitted to sign Vakalatnama, copy of the FIR may be provided to the counsel, there are no grounds for police custody remand since copy of the FIR has not been provided to the accused so far and hence application for police custody remand may be rejected, however, if the same is allowed, the accused no.2 may be provide proper medication and food and allowed to talk to his family members and advocates on telephone as per rules during police custody remand.

I have considered the submissions of all the parties, perused the FIR, the application seeking police custody remand and the documents annexed therewith.

The request of Ld. Counsel for accused no.2 to have e-copy of FIR or taking certified copy of FIR by counsel at this stage is disallowed, since the same may reveal the allegations regarding other co-accused persons, which may hamper the investigation, however, CBI is directed to supply a copy of FIR to both the accused, who are in police custody today itself.

Ld. Senior Public Prosecutor for CBI has submitted that allegations made in FIR against both the accused persons are already informed to them, however they will supply a copy of FIR to each of accused today itself.

It is observed that as per averments of CBI in the application, the CBI has already conducted the searches at NOIDA, Ghaziabad, Faridabad and Ranchi, several incriminating evidence have



already been found, the accused persons are to be taken to Ranchi for further recovery of documents, confronting with other unnamed and unnamed accused persons to unearth the conspiracy, the case is at initial stage, thorough interrogations are to be made therefore, it seems for fair and proper investigation of the case, the granting of police custody remand is essential and in the interest of justice, therefore, keeping in view overall circumstances of the case, the request of CBI seeking police custody remand of accused no.1 N.M. P. Sinha and accused no.2 Vinay Kumar Jalan is allowed till 09.10.2020 till 2.00 PM, subject to conditions that: (i) proper medical aid/treatment shall be provided to both the accused in case of any such need as per law; (ii) the proper food shall be provided to both the accused persons as per rules with special attention that accused no.1 N.M.P. Sinha, since he is stated to be a diabetic;(iii) both the accused persons shall be permitted to have conversations with their family members and/or their Advocate(s), twice a day for about 10 minutes in the presence of CBI officer, as per rules; (iv) the investigation shall be conducted strictly as per law, rules related to medical examinations and in such manner that rights of the accused persons under Article 20(3) of the Constitution shall not be violated; (v) if any counsel for the accused persons appears before CBI for obtaining signature of accused person on Vakalatnama, the same shall be allowed (vi) the accused persons shall be produced before the court on 09.10.2020 at 2.00 PM.

The present application of CBI seeking police custody remand is allowed and disposed of accordingly.

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CHANDRA SHEKHAR
Special Judge, CBI-19 (PC Act)
Rouse Avenue Courts, New Delhi
03.10.2020

श्री चन्द्र शेखर
Sh. Chandrashekhar
श्री वाकमेश, प्रसाद नारायण अड्डासिंग (सी.बी.आई.)
Special Judge PC Act (CBI)-19
कैमरा नं. 404, चौथी मंजिल
रौज एवेन्यू न्यायालय परिसर
Rouse Avenue Court Complex
नई दिल्ली
New Delhi