

07.08.2020 at 2.00 p.m.

Present: Sh.Lalit Mohan, Ld. PP for CBI.

Sh.Rajiv Mohan, Sr. Adv. with Sh.Rehan Khan, counsel for accused/
applicant.

IO Insp. Pushpender Parashar.

Proceedings in the matter have been taken up by way of video conferencing.

Further arguments on the bail application heard.

Put up for orders at 3.00 p.m.

Special Judge (PC Act) CBI
Rouse Avenue Courts, New Delhi
07.08.2020

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This is the bail application of accused/applicant Vikaran.

Before I note the grounds taken in the bail application, appropriate to note here is the prosecution allegations precisely are that CBI on 11.07.2020 on the basis of a written complaint of one Ravi Sharma son of Manoj Sharma, after verification of the allegations made in the complaint, registered the present case RC No. RC-DAI-2020-A-0020.

As per the allegations complainant Ravi Sharma alleged that he had taken a house no.598, G Block, Shakurpur on rent and on 10.07.2020 Ct.Vikaran (accused petitioner) along with Ct. Kapil of Police Station Subhash Place telephonically called the complainant in the night at 2.40 a.m. and directed him to open that door of the house/office. Complainant on that day was stated to be out of station.

Complainant asked his office helper to open the office. Thereafter Ct.Vikaran and Ct.Kapil stated to have raided the place and found some people playing cards in that house. Ct.Vikaran allegedly apprehended friend of the complainant namely Raju and also called upon the owner of that house Mr.Vijay. It is in the allegations that Ct. Vikaran talked with the complainant and demanded bribe of Rs.One lac to set free his friend namely Raju. As per allegations ultimately the bribe amount was lowered by Ct.Vikaran to Rs.35,000/-. Complainant stated to Ct.Vikran that he will pay the same after returning to Delhi. After this conversation Ct.Vikaran stated to have set free the friend of the complainant Mr.Raju. It is stated that complainant was not willing to pay the bribe and filed the complaint before the SP, CBI, New Delhi for taking necessary legal action.

After filing of such complaint, the complaint was verified and complainant was asked to talk with the suspect/Ct.Vikaran on telephone and such conversation was recorded in DVR. After such verification FIR was registered and a raiding party was constituted and a raid was conducted at Police Station Subhash Place. As per the allegations Ct.Vikaran allegedly came outside the Police Station, when complainant handed over the bribe money. Ct. Vikaran immediately went inside the Police Station. When raiding party of CBI entered in the Police Station and went to the first floor of the Police Station at DVR room where Ct. Vikaran was found who denied receiving of bribe amount. The bribe amount was not recovered from the physical possession of the accused/applicant. It is stated in the reply filed by IO Insp. Pushpender Parashar that one HC Jai Ram Yadav was also present in the DVR room of the Police Station at first floor, who ran away from there and jumped from the first floor. Later staff of the Police Station informed that HC Jai Ram Yadav had got injured. It is also stated in the reply filed by the IO that tainted amount/bribe money was recovered from a truck parked in the backside of the Police Station wrapped in a uniform sleeve. It is also mentioned in para 14 of the

reply filed by the IO that from the locker of HC Jai Ram Yadav in the Police Station a sum of Rs.5,24,500/- was recovered. It is stated that it is indicated that HC Jai Ram Yadav was in connivance with Ct. Vikaran.

It is argued by Sh.Rajiv Mohan, Ld. Counsel for accused/applicant that as per the prosecution allegations itself alleged bribe amount was not recovered from the accused or in the room in which the applicant met the CBI raiding party. It is stated that there is no evidence on the record showing any 'connect' of accused/applicant with the recovery of bribe amount from the truck parked in the Police Station in the next morning.

During the course of arguments on the bail application, IO of the CBI had also filed second reply wherein he mentioned that he had also scanned CCTV cameras of the Police Station. As per the said reply though the front pocket of jeans of the accused/ applicant turned pink after it was washed with the solution. It is stated that handing over of bribe money has also not been visible in the CCTV footage of relevant time of the cameras installed in the Police Station.

On the other hand Ld. PP for CBI has opposed the application by submitting that the tainted money has been recovered from the sleeve having some blood stains and that sleeve with tainted money has already been sent for forensic examination. He submitted that from the verification memo and other evidence available on the record, demand of money and acceptance of money by the accused is very much evident and other evidence are being examined by forensic experts and after the necessary reports of the forensic experts the role of HC Jai Ram Yadav would be ascertained. He submitted that there is sufficient evidence showing complicity of accused/applicant of demanding illegal money and accepting the same.

Having considered the submissions at bar and having gone through the material placed on record without commenting much on merits of the matter, as

per the complainant version Ct.Vikaran along with one Ct. Kapil raided the premises of the complainant and allegedly some persons were found playing cards there. But admittedly no case was registered under any Gambling Act. Moreover the fact that certain people were playing cards in itself does not make out a case of Gambling Act. It is also a matter of record that alleged bribe amount has not been recovered from the accused/applicant on the day when the raid was conducted in the Police Station by CBI and later bribe amount was recovered on the next day from the truck parked in the Police Station premises. Taking into consideration the fact that recovery of tainted money is not from the physical possession of the accused/applicant and also taking into consideration that accused is in Judicial Custody since 14.07.2020, accused/applicant Ct. Vikaran is admitted to bail upon furnishing personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Ld. CMM/ACMM on duty at RADC.

Bail application is accordingly disposed off.

(Shailender Malik)
Special Judge (PC Act) CBI
Rouse Avenue Courts, New Delhi
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