

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF
METROPOLITAN MAGISTRATE, CENTRAL DISTRICT, TIS
HAZARI COURTS, DELHI.**

**FIR No. 95/2020
PS: Crime Branch
State Vs. Unknown
Application**

18.08.2020

Proceedings of this matter has been conducted via Video Conferencing through Cisco Webex.

Present: Ld. APP for the State via Video Conferencing through Cisco Webex.
Sh. Deepak Sharma, Ld. Counsel for applicant is present via Video Conferencing through Cisco Webex.

At this stage, Ld. Counsel for applicant seeks permission to withdraw the present application submitting that the matter pertains to PS Mehrauli which falls within the jurisdiction of Saket Court.

In view of this position, the present application stands dismissed as withdrawn.

Copy of this order be uploaded on the official website of Delhi District Courts.

(Arul Varma)
CMM (Central), Delhi
18.08.2020

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF
METROPOLITAN MAGISTRATE, CENTRAL DISTRICT, TIS
HAZARI COURTS, DELHI.**

**FIR No. 86/2017
PS: Hauz Qazi (Crime Branch)
Abhey Bansal vs. Priyanka Mehta and Others
Misc. Application**

18.08.2020

Proceedings of this matter has been conducted via Video Conferencing through Cisco Webex.

This is an application received through email moved on behalf of complainant for issuing direction to IO for filing the status report in the present case.

Present: Ld. APP for the State via Video Conferencing
through Cisco Webex.
Sh. Rishabh Jain, Ld. Counsel for the applicant.

At this stage, Naib Court submits that the matter does not pertain to jurisdiction of this Court.

In view of this position, let reply of the IO be called for 26.08.2020.

Copy of this order be uploaded on the official website of Delhi District Courts.

**(Arul Varma)
CMM (Central), Delhi
18.08.2020**

IN THE COURT OF SH. ARUL VARMA, LD. CHIEF
METROPOLITAN MAGISTRATE, CENTRAL DISTRICT, TIS
HAZARI COURTS, DELHI.

FIR No. 0194/2020
PS: DBG Road
State Vs. Ashwin Singh
Misc. Application

18.08.2020

Proceedings of this matter has been conducted via Video Conferencing through Cisco Webex.

This is an application for release of vehicle bearing registration number DL-5CJ-9919 (car) moved on behalf of applicant through his Ld. Counsel.

Present: Ld. APP for the State via Video Conferencing through Cisco Webex.
Sh. Suresh Prasad, Ld. Counsel for applicant via Video Conferencing through Cisco Webex.

IO SI Murari Lal is unable to connect Cisco Webex.

At request, be put up for consideration on 19.08.2020.

(Arul Varma)
CMM (Central), Delhi
18.08.2020

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF METROPOLITAN
MAGISTRATE, CENTRAL DISTRICT, TIS HAZARI COURTS, DELHI.
e-FIR No. 015762/2020
PS: DBG Road
State Vs. Bhanu Partap
Application**

18.08.2020

Proceedings of this matter has been conducted via Video Conferencing through Cisco Webex.

This is an application received through email moved by the applicant Ms. Ritu Mahajan for release of vehicle bearing registration number DL-4CS-8092 (Santro car) on superdari.

Present: Ld. APP for the State via Video Conferencing through Cisco Webex.
Applicant Ms. Ritu Mahajan is present in person alongwith complainant Sh. Jatin Mahajan.

Reply of IO HC Murari Lal has already been received through email.

Heard. Perused.

Applicant is stated to be the registered owner of the vehicle in question. Copy of Aadhar card and RC of the vehicle has been retained on record. As per reply of IO, police has no objection in release of the vehicle.


The application is therefore allowed. The vehicle bearing registration number DL-4CS-8092 be released to the applicant after verification of her identity. The Panchnama and photographs of the vehicle shall be filed in the Court with the charge-sheet.

Concerned SHO is directed to prepare a detailed panchnama of the above stated vehicle and take photographs of the same in terms of directions given in the Judgment of Hon'ble High Court of Delhi titled as "Manjeet Singh Vs. State". Panchnama proceedings shall be conducted at the concerned Police Station. The panchnama and the photographs shall be signed by the applicant, accused (if arrested), and the IO and the concerned SHO shall secure the presence of the aforesaid persons.

Copy of this order be given dasti to the applicant. Copy of this order be sent to SHO, PS DBG Road, for compliance through email.

Accordingly, application stands disposed of.

Copy of this order be uploaded on official website of Delhi District Court


(Arul Varma)
CMM (Central), Delhi
18.08.2020

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF
METROPOLITAN MAGISTRATE, CENTRAL DISTRICT, TIS
HAZARI COURTS, DELHI.**

FIR No. 58/2018

PS: EOW

State Vs. Manoj Kumar Chaudhary

u/s 406/409/420/120-B IPC

Bail application

18.08.2020

Proceedings of this matter has been conducted via Video Conferencing through Cisco Webex.

This is an application u/s 437 Cr.PC moved on behalf of the applicant/accused Manoj Chaudhary for grant of bail.

Present: Sh. Rajiv Kamboj, Ld. APP for the State alongwith IO SI Yad Ram via Video Conferencing through Cisco Webex
Sh. Tanvir Ahmed Mir, Ld. Counsel for applicant/accused is present alongwith Sh. Raunak Sathpaty via Video Conferencing through Cisco Webex.
Sh. K C Gauniyal, ACP concerned via Video Conferencing through Cisco Webex.

Reply to the bail application has been filed on behalf of IO through email.

Arguments on the bail application heard.

I have perused the record as well reply filed by the IO.

Ld. Counsel for applicant/accused Manoj Chaudhary contended that the date of registration of FIR in the present matter is 16.03.2018, however, accused Manoj Chaudhary was arrested only on 25.06.2020. This, according to him, is reflective of the fact that the applicant was available for two years and three months pending investigation, and therefore there should be no reason for curtailing his liberty now. It is not the case that

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the accused was absconding or was evading the process of law. Rather, the accused joined the investigation on seven occasions whenever he was called. Thus, this demonstrate the co-operative attitude of the accused for the purpose of investigation, and he should not be penalized by his continued incarceration.

Ld. Counsel further submitted that it is significant to note that no application was moved by the IO for custodial interrogation of the accused. Ld. Counsel has further expatiated on various propositions of law including the triple test delineated in *P Chidambaram vs. ED* judgment. Thus, Ld. Counsel has contended that the accused herein is neither at (i) flight risk (ii) capable of tampering of evidence and influencing the witnesses and (iii) has cooperated with investigation. Ld. Counsel has further submitted that gravity of offence alone cannot be a ground for dismissal of application for bail.

Lastly, Ld. Counsel has refuted the contents of the status report filed by the IO to the extent that the said status report does not mention the fact that Rs. 50 Crores have gone to M/s Ascot Project Pvt. Ltd. and other Directors. Ld. Counsel has also relied upon the judgment titled **Maulana Mohammed Amir Rashadi vs. State of Uttar Pradesh and Another**, in Criminal Appeal No. 159 of 2012, decided on January 16, 2012. However, the facts are distinguishable as in the case referred. trial had commenced and witnesses had been examined, however, in the present case chargesheet has yet not been filed. Further, Ld. Counsel placed reliance on **Babu Singh vs. State of UP** wherein it was held as under

"Upon a careful consideration of the allegations

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made, cross-referenced with the material on record, and after balancing the rights of the accused on the one hand, the victim on the other as also the role of the State as the proponent of public justice, at this stage when only the applicant's bail plea is being considered, the following relevant aspects emerge:-

(i) That typically, the rationale and reasons for permitting judicial custody of an undertrial accused are:

(a) To prevent the accused from committing any further offence;

(b) To conduct further investigation;

(c) To prevent the accused from tampering with evidence or causing disappearance of evidence;

(d) To prevent the accused from extending any inducement, threat or promise to the complainant/first informant or to the victim or to any other person, to dissuade them from disclosing facts to the investigating agency or the court or from deposing without fear or coercion during trial; and/or

(e) To ensure the presence of the accused to face trial".

Per contra, Ld. APP for the State alongwith IO and ACP concerned vehemently opposed the application as per law. Ld. APP for the State has contended that the co-accused Sanjay Chaudhary, who prima facie has a lesser role to play in the commission of offence has moved an application for bail, and the same was rejected by this Court. Thus, the present accused also ought to be denied bail.

Ld. APP for the State further submitted that the accused and the other persons have defrauded huge sums of

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money of innocent home buyers and the offence is grievous in nature.

Submissions heard.

A perusal of the record and all the arguments putforth prima facie point towards the pivotal role played by accused Manoj Chaudhary, who was promoter and Managing Director of M/s Intellicity (Airwil) Business Park Pvt. Ltd., and who had 50% shareholder in the said company. As per records and submissions, he was an authorized signatory of the bank accounts and was totally involved in the day to day affairs of the company.

Further, accused Manoj Chaudhary has received Rs. 3.3 Crores as Director's remuneration, bonus etc. Further, as per record, the accused alongwith other accused persons launched Intellicity in September 2013, months *before* the building plan was issued by the Greater Noida Development Authority. Allegations of siphoning of funds of Rs. 242 Crores collected from 1900 investors, have been levelled, and this money was not utilized in construction, as promised. It has also been reflected that accused Manoj Chaudhary and Vikas Bhagat were Directors at the relevant period.

It is pertinent to note that as per status report of the IO, accused Manoj Chaudhary has been involved in a litany of cases bearing FIR No. 47/2018, PS EOW, FIR No. 108/2018, PS EOW, FIR No. 262/2017, PS Bisrakh, FIR No. 1217/2018 PS Bisrakh, FIR No. 685/2017 PS Punjabi Bagh, FIR No. 333/2019, PS Vivek Vihar and FIR No. 747/2017 PS Surajpur. Although during arguments Ld. Counsel for the accused contended that most of the FIRs emanate from the same transactions, however,

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no evidence was placed on record to substantiate this claim.

Further, it would be apt to peruse the following paragraph of judgment passed by the Hon'ble High Court in **Sunil Dahiya vs State (Govt Of Nct Of Delhi) on 18 October, 2016.**

49. The applicant accused appears to be a person with deep pockets. If he could manipulate and dupe more than 1000 investors to invest in his projects, he may as well be able to influence these investors, other witnesses and the evidence to save his own skin. The Applicant herein has been accused of economic offences involving cheating and misappropriation of huge amounts of public funds, and such offences - as observed by the Apex Court, have to be viewed seriously. In *Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation*, (2013) 7 SCC 439, the Court in Para 34 observed:

"34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."

50. Further, in *State of Gujarat vs. Mohanlal Jitmalji Porwal and Anr.*, (1987) 2 SCC 364, the Court in Para 5 observed:

"5. The entire Community is aggrieved if the economic offenders who ruin the economy of the

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*State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. **An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest..***"

Considering the facts and circumstances of the case, nature of allegations, gravity of offence and above circumstances, I am not inclined to grant bail to the applicant/accused, at this stage. The bail application is, accordingly, dismissed.

Copy of this order be uploaded on the official website of Delhi District Courts.

Before parting, it is pertinent to note that despite registration of FIR on 16.03.2018, accused herein was arrested after lapse of two years and three months. Further, co-accused Vikas Bhagat has yet not been arrested. IO and ACP concerned submitted that the accused Vikash Bhagat has been recently apprehended in some other matter and is in Dasna Jail and that they would arrest him in this matter. However, the question remains, as to why the accused was not arrested till date and why only other co-accused was proceeded against


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Copy of this order be sent to DCP, EOW through Naib Court to clarify to the Court as to steps taken against other accused including Vikas Bhagat since the inception of FIR. The DCP shall also give explanation as to why charge-sheet has not been filed in the matter, and is directed to file relevant Standard Operating Procedure/Circulars/Notifications which delineate the time line for investigation and manner of arrests in cases investigated by the Economic Offences Wing of Delhi.

Put up for filing of reply on 31.08.2020.


(Arul Varma)
CMM (Central), Delhi
18.08.2020

IN THE COURT OF SH. ARUL VARMA, LD. CHIEF
METROPOLITAN MAGISTRATE, CENTRAL DISTRICT, TIS
HAZARI COURTS, DELHI.

FIR No. 58/2018

PS: EOW

State Vs. Manoj Kumar Chaudhary

U/s. 406/409/420/120-B IPC

13.08.2020

Proceedings of this matter has been conducted via Video Conferencing through Cisco Webex.

This is an application under Section 437 Cr.P.C received through E-mail as moved on behalf of **applicant/accused Manoj Kumar Chaudhary**, for bail.

Present: Sh. Rajeev Kamboj, Ld. APP for the State via Video Conferencing through Cisco Webex.
Sh. Raunak Sathpaty, Ld. Counsel for the applicant/accused Manoj Kumar Chaudhary via Video Conferencing through Cisco Webex.
IO/SI Yad Ram has also been joined via Video Conferencing through Cisco Webex.

Reply to the bail application has been received through E-mail. Copy supplied through E-mail to Ld. APP and the Ld. Counsel for the accused.

Ld. Counsel seeks adjournment stating that Ld. Senior Counsel is not available today.

At request, renotify for arguments on bail application on **18.08.2020 at 02:00 PM.**

IO and the Supervising Officer of the case be also present through Cisco Webex.

The order be uploaded on the District Courts website forthwith.

(Arul Varma)
CMM (Central), Delhi
13.08.2020