

**In the Court of Sh. Dig Vinay Singh, Special Judge (PC Act) (ACB)-02
Rouse Avenue District Court, New Delhi**

**State Vs. Sunil Thapliyal S/o Sh. Harish
Chander Thapliyal
FIR No. 2/2020
P.S. Anti Corruption Branch
U/s 7 of POC Act 1988 &
Sec. 420/467/468/471/120B of IPC**

03.04.2020

Present : Sh. Jagdamba Pandey, Ld. Additional PP for the State.
Ld. Counsel for the accused Mr. Gaurav Goyal.
Investigating Officer Inspector Bhagwan Singh.

This bail application has been assigned to the undersigned today by the Ld. District & Sessions Judge, Rouse Avenue District Courts, Delhi, as telephonically informed by and e-mail received from Sh. Anil Kumar, P.S to the Ld. District Judge, RADC, Delhi.

This bail application has been heard by the undersigned today through Video Conferencing in terms of Office Order dated 28.03.2020 bearing no. DJ/RADC/2020 from the Office of District & Sessions Judge cum Special Judge (PC Act)(CBI) Rouse Avenue District Courts, New Delhi, as modified vide Office Order no. 3/RADC/2020 dated 30.03.2020, the functioning of Sub-Ordinate Courts in Delhi being under suspension in view of Nationwide lock down as declared by the Government of India and

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pursuant to the Office Order no. 159/RG/DHC/2020 dated 25.03.2020 of Hon'ble Delhi High Court.


The undersigned has received copy of bail application dated 02.04.2020 with annexures; the reply of the IO dated 03.04.2020, in pdf file format, through email from the PS to the District & Sessions Judge, RADC, Delhi.

Through video conferencing, I have heard Ld. Counsel for the accused Mr. Gaurav Goyal; Ld. Additional PP for the State Sh. Jagdamba Pandey and the investigating officer Inspector Bhagwan Singh.

Ld. Counsel for the accused has argued in lines to the averments contained in the bail application, which I have gone through and, I do not deem it appropriate to reproduce the same in this order for the sake of brevity. Nonetheless, it may be mentioned that besides claiming parity with co-accused Madan Lal and claiming innocence and other usual pleas in the bail application, the accused has also argued that mother of accused being old is suffering from physical ailments as well as psychological ailments and there is no male member in the family to look after his ailing mother and his wife in the present difficult and testing times.

On the other hand, investigating agency opposes the bail application claiming that investigation is at initial stage and the applicant may influence the witnesses and tamper with the evidence. It may be mentioned here that this is second bail application of this accused. His first bail application was dismissed on merits by this very Court on 11.02.2020 i.e. fifty days ago, and in between the accused preferred one more bail application


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which was withdrawn without arguments on 11.03.2020 with liberty to file afresh.


Just few days ago, on 30-03-2020 bail application of co-accused Madan Lal was heard by the undersigned through video conferencing and co-accused Madan Lal was released on interim bail till 22-05-2020, and the facts of this case are mentioned in the said order dated 30-03-2020, which are as follows :-

"Briefly stated, the facts of the case are that present accused while working as Assistant Manager (Accounts) in DTTDC, in conspiracy with co-accused Sunil Thapliyal, Assistant Manager (IT) forged certain note sheets and got released unauthorized payment to various vendors/ suppliers of DTTDC during the period 2017-2019. It is the case of investigating agency that the applicant and his co-accused manipulated the date of TPs, bills and note sheets and authorized payment to certain vendors unauthorizedly. According to the investigating agency, an amount of approximately Rs. 68 Crores were so released to different vendors as named in the reply of the investigating officer. It is the case of investigating agency that co-accused Sunil used to initiate the note sheets along with excel sheets mentioning the TPs date, bill number etc. for taking approval of senior officers regarding payment to suppliers against the supply of IMFL and Beer. After approval from the concerned officers, the file containing the approval note sheet and excel sheet reached the present applicant Madan Lal being Assistant Manager (Accounts). It is claimed that both the accused in conspiracy changed the approved note sheets and excel sheets and used to incorporate


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name those parties which were not approved for payment in the original note sheet and thus, payments used to be made to unapproved parties by reducing the amount of other approved parties. It is the case of investigating agency that in this process RTGS sheets were also manipulated and submitted to the Axis bank for payments. From the said bank the original RTGS sheets are yet to be collected by the investigating agency, for which notices were sent, as mentioned above, which are still awaited. The present accused was arrested on 24.01.2020 and is stated to be in custody since then."

So far as present applicant is concerned, he is also in custody since 24.01.2020. He was arrested on 24.01.2020 and was remanded to police custody for four days and was remanded subsequently to judicial custody on 28.01.2020. The role of this accused is that he being Assistant Manager (IT) allegedly initiated the note sheet along with the excel sheets, mentioning the TP's date, bill number, date etc. for taking the approval of senior officers regarding payment to suppliers against the supply of IMFL and beer to the vendors of DTTDC. After approval of the concerned officers the file containing the approval note sheets and excel sheets used to reach co-accused Madan Lal and it is alleged that both the accused in connivance and conspiracy changed the approval note sheets and excel sheets and incorporated names of those parties, names of which were not existing in the approval for payment in the original note sheet and thus payments were made to unapproved parties by reducing the amount of other approved parties.


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On being inquired, the investigating officer submits that this accused was taken in PC for four days. Till now, no money trail has been found even against this accused which may incriminate this accused. The IO also admitted that as per investigation conducted till now, estimated loss to DTTDC is approximately Rs. 87 Lakhs.

Admittedly, investigation is likely to take long time, particularly in view of the fact that there is nationwide lock down at present and documents are yet to be collected and also specimen writings and signatures will have to be sent to the FSL for comparison. Presently there is uncertainty as to till what time, this lock down may continue. The accused has spent more than two months behind bars by now. He cannot be kept behind bars for indefinite period with virtually no progress in investigation. The evidence in the present matter would be primarily documentary which as per investigating agency has to be obtained from the Axis Bank and DTTDC. Therefore, there is no imminent danger of the applicant destroying the evidence or tampering with the evidence at this stage. The apprehension of investigating agency that the applicant may tamper with evidence is uninspiring.

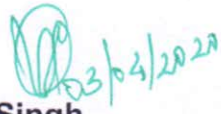
The co-accused Madan Lal was admitted to interim bail in the peculiar facts & circumstances, as detailed in the order of this Court pertaining to application of Madan Lal.

In the given facts & circumstances and due to peculiar facts and circumstances of uncertainty due to lock down, **the applicant is ordered to be released on bail for an interim period till 22.05.2020 upon furnishing personal bond/surety bond in the sum of Rs.50,000/- with one surety in**


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the like amount. The bond shall have to be tendered by the applicant before the Ld. Duty Magistrate who is on duty in concerned Tihar Jail, in terms of Office Order dated 28.03.2020 as mentioned above. The counsel for applicant has been informed about the bond to be presented and the concerned Computer Branch official who was also live on video conferencing has been instructed to supply a copy of office order dated 28.03.2020 to the Counsel for applicant as also a copy of this order. This order is being scanned after my signatures and the scanned pdf file is being transmitted to the PS of Ld. District & Sessions Judge, RADC, Delhi for further onward uploading on the website by the Computer Branch and for supply of its copy to the IO, Ld. PP and the Counsel for accused. The original of this order shall be available with the Ahlmad of the Court of the undersigned as and when the Court resumes.

The application be now listed on 22.05.2020 before the concerned court as may be assigned by Ld. District & Sessions Judge, Rouse Avenue District Court, New Delhi.


Dig Vinay Singh,
Spl. Judge, (PC Act)(ACB)-02
Rouse Avenue, Delhi / 03.04.2020