

In the court of Anurag Sain LD Special Judge CBI – 11 (PC Act)

Rouse Avenue District Courts, New Delhi

CBI Vs. Amar Raj Regmi

FIR/RC 15(A)/2020

U/S, 7, 7A of PC Act, 1988 as

Amended in 2018 & S. 120B IPC

PS CBI, ACB, New Delhi

Under special circumstances due to coronavirus and lockdown, as per the direction of the LD District and Session Judge RADC this hearing is being conducted through video conferencing through Zoom cloud meeting app.

Present : Sh. Dhan kishore , LD. PP for CBI along with IO Inspector S.K Bana

Sh. Yash Anand LD counsel for the applicant accused Amar Raj

Regmi

28/03/2020

This is a application under section 439 crpc for the grant of bail moved on behalf of accused Amar Raj Regmi

Briefly stated fact of the case are ;

An FIR bearing no. RC – DAI – 2020 – A -0015 was registered on 14/03/2020 under section 7 and 7a PC act read with 120B IPC has been registered by P.S., CBI, ACB New Delhi against the applicant and head constable Satya Narayan P.S Prasad Nagar and GL Soni adv on the complaint of complainant Nitish Kumar. As per the complaint Head Constable Satya Narayan Sharma called the complainant on 31/01/2020 with regard to the



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FIR no. 21/2020 and he was informed that he is a suspect in that case and if he wanted to escape then he has to pay a bribe of Rs. 50,000/- to him and thereafter again he was called by the Satya Narayan who told him that if he wanted to escape he has to contact adv GL Soni who will get the deal done The complainant thereafter met GL Soni adv who demanded rs 5,00,000/- and assured that IO Satya Narayan will not take any action against him and further that the adv GL Soni and his assistant Amar, the present applicant, were in regular touch with the complainant and pressurizing him to pay the bribe money. The adv GL Soni again called the complainant on 12/03/2020 and demanded the bribe money on behalf of Satya Narayan since the complainant did not want to pay the bribe and he approach the superintendent of police CBI, Delhi on 14/03/2020 and filed his complaint to take legal action against the above mentioned accused persons, the verification of the complaint was conducted and there after trap was laid and accused GL soni was caught red handed on 14/03/2020 while demanding and accepting bribe amount of Rs. 1,00,000/- from the complainant on behalf of accused Head Constable Satya Narayan Sharma and thereafter complainant was sent to P.S. Prasad Nagar where he met accused Satya Narayan Sharma and informed him that the about the delivery of bribe amount to accused GL Soni adv on this accused Satya Narayan assured that no legal action will be taken against the complainant. The accused Satya Narayan and GL Soni were arrested in the present case and was produced before the CBI court on 15/03/2020 and demanded to judicial custody till 28/03/2020. The applicant accused Amar Raj Regmi



A/R

surrendered before CBI on 20/03/2020 and he was remanded to by LD. Special CBI Judge to judicial custody till 04/04/2020.

That the present Bail application for the bail has been filed on behalf of applicant/ accused Amar Raj Regmi on the grounds interalia – that the applicant accused has been falsely implicated in the present case ; the main accused in the present case are GL soni and Satya Narayan Head Constable; the applicant is an intern law student with accused GL Soni and is assisting him in his work; he has not received any amount / bribe from the complainant; no role was assign to him as per the complaint; the trap team had trapped only GL Soni and hence the role of the applicant is nothing but only to assist adv GL Soni in his court work and therefore cannot be penalize; the applicant is not a public servant and as such the ingredients of PC act not fulfilled; the applicant is young boy and belong to reputed family further keeping the applicant accused in the custody would be depriving him of his fundamental right and that the applicant shall undertake to abide all terms and conditions impose by this above Hon'ble Court. In this premise the applicant/ accused prays for the grant of bail. On the other hand CBI had filed reply to the application and stated that applicant accused is the part of criminal conspiracy with accused Satya Narayan Sharma and GL Soni adv whereby they demanded undue advantage / illegal gratification from the complainant and the investigation reveals that applicant /accused is found to be actively involved in conspiracy with his co accused persons namely HC Satya Narayan Sharma and GL Soni adv and further submitted that the applicant / accused have



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clearly committed the offence as mention in the aforesaid RC/ FIR. In these premise it is being prayed by the CBI for the dismissal of the present application.

LD PP for the CBI strongly apposed the bail and submitted that the allegations against the applicant are grave and serious in nature and he being the active conspirator in the commission of the offence and thus the application for the bail be dismissed.

On the other hand counsel for the accused submits that the applicant accused has been falsely implicated the present case he has no role much less affective role in the commission of the offence, he being only the assistant/intern of the accused GL Soni.he further argued that the applicant/ accused has surrendered before the court on 23/03/2020 and was sent to JC on the said day and is no longer required for any investigation by the CBI. He further argued that the main accused Satya Narayan Sharma has already being enlarged on bail by the court on 23/03/2020 and accused GL Soni have been enlarged on bail by the court on 24/03/2020

I have gone through the rival contention of the parties

It is not under dispute that applicant/accused was intern of the accused GL Soni adv. And as such has no effective role in the commission of the alleged offence, he being only the inter/assistant of adv GL Soni. The applicant/ accused is stated to be in JC since 23/03/2020. He has no longer required for further investigation. It is stated by the IO that applicant / accused Amar Raj Regmi was not present in the office of GL Soni adv. on 14/03/2020 The main accused Satya Narayan Sharma and adv GL Soni. have




already being enlarged on bail vide orders dated 23/03/2020 and 24/03/2020 respectively. Considering the facts and circumstances of the matter applicant/ accused Amar Raj Regmi is admitted to bail on furnishing personal bond in the sum of Rs 50,000/- with one surety of like amount, subject to the condition that he will join the investigation as and when directed by the IO and shall not contact or influence the witnesses or temper the evidence. Applicant/accused shall not leave the country without the permission of the court. The applicant accused is further directed to mark his attendance every fifteen days for a period of 9 months from the date of his release and in default, IO/SP concern shall be at liberty to move appropriate application seeking application of his bail.

The order on the aforesaid application has being announced through Zoom Meeting App to counsel for both the parties. A copy of this order is being sent through WhatsApp to Shri Ram Pher Judicial Assistant, Judicial Branch, Rouse Avenue Districts Courts New Delhi with the direction to him to sent a copy of the same on the WhatsApp of LD counsel for both the parties and order be uploaded on official website of Delhi District Court at the earliest and also to all the concerned. Assigned hard copy of the order shall be sent to the office of LD District and Session Judge RADC as soon as work is resume from the court premises of RADC New Delhi

Dated 28/03/2020




Anurag Sain
Special Judge - 11 (PC Act)
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