

01.10.2020

CBI Vs Sudhanshu Ranjan
RC-DAI- 2020-A-0023

The matter has been taken up through Video Conferencing (VC) using CISCO Webex on account of Covid Pandemic and in terms of directions issued in this regard from time to time by Hon'ble High Court & Hon'ble District & Session Judge RADC.

Present Online :

Sh. Vipin Kumar, Ld. PP for CBI through VC.

Sh. Navin Giri, Ld. PP for CBI through VC.

Sh. Shailendra Babbar, Ld. Counsel for accused through VC.

Vide this order I shall dispose of the application filed on behalf of accused Sudhanshu Ranjan seeking grant of interim bail of ten days to allow him to appear in the Civil Services (preliminary) examination being conducted by UPSC.

The application seeking interim bail was initially filed in the court of Sh. Arvind Kumar, Ld. SPL. Judge (PC Act), CBI, RADC as his court is dealing with the proceedings of remand, however, the application was not entertained by the court as it was required to be filed as per procedure at filing counter. The order has been filed alongwith application. Thereafter, this application was filed and was marked to this court by Ld. District & Sessions Judge, RADC for disposal as per law. The regular application of the accused has been dismissed by the court concerned.

It is stated in the application that there are allegations against the accused and one Darban Singh that they had asked the complainant to arrange a bribe of Rs. 4 lakhs for selling of a property which was allotted to him by the DDA. The complainant did not want to pay bribe and had therefore, contacted the CBI with a complaint. The recovery was affected from the co-accused.

The interim bail is sought to facilitate the accused to appear in the examination above mentioned, which is scheduled for 04.10.2020. The admit card received by the applicant is annexed as Annexure-B to the application.

Reply to the application has been filed. It is stated that the demand of Rs.4 lakhs was made by the applicant and co-accused Darban Singh. Verification was conducted whereafter a trap was laid on 14.8.2020 and accused Darban Singh and Ajeet Singh were caught red handed demanding Rs.4 lakhs and accepting Rs.1 lakh. These accused had then disclosed that they were accepting the bribe on the direction of the applicant.

Ld. PP argued that the investigation is at initial stage and there is a likelihood of the applicant influencing the witnesses and tampering with the evidence. He argued that a temporary register no. 21 was being maintained by the accused persons to defraud the allottees of the properties and obtaining illegal gratification from them. It is stated that there are other brokers/touts and officials of DDA, who are being identified and investigation is under way to unearth larger conspiracy. He also argued that the regular bail of the accused was dismissed and there is no change in the circumstances since then.

Admittedly, this is not an application seeking regular bail. The applicant is seeking interim bail for a specific purpose, i.e., writing Civil Services (Prelims) examination scheduled for 04.10.2020.

The applicant seeks interim relief for ten days; though his exam is scheduled for three days from today. Ld. Counsel submitted that at the time when he had filed the first application he wanted time for preparation and so had sought a bail of 10 days. He however, submitted that the examination will be over on 04.10.2020 and he will surrender after that. This practically would amount to interim bail of 3 days.

Ld. Prosecutor has objected to the application primarily on the ground of possibility of influencing the witnesses and tampering the evidence. Ld. Counsel submitted that the apprehension regarding possibility of tampering of witnesses/ influencing of witnesses is to be weighed on the basis of the actual threatening/influence in terms of various judgment including **Sanjay Chandra Vs CBI (2012) 1 SCC 40**. He argued that the center for examination, of the accused, is in Faridabad which is away from the office of DDA at INA and applicant is giving an undertaking that he will not go anywhere near the office of DDA.

Another concern as was noted during the hearing was of accused persons seeking interim bail and then getting it extended in terms of orders of Hon'ble High Court, which extend the interim orders on account of Covid Pandemic, which bails had already been granted. Ld. Counsel for the accused submitted that he is giving a statement at bar that accused shall not seek extension of interim bail and that he will surrender at the jail after his examination.

In view of entirety of facts as they are the applicant is seeking interim bail for a very specific purpose, i.e., appearing in Civil Services (Prelims) Examination scheduled for 04.10.2020 of which he has filed the admit

card on record. He is not seeking bail on merit and as such the merit of the case is not being considered for the purpose of limited bail. In so far as the apprehensions of prosecution is concerned, Ld. Counsel for the applicant has stated that the applicant will not contact any of the witnesses and nor he will visit the office of DDA at INA.

It is still ordered categorically that the applicant shall not meet any of the witnesses or the accused of this case during the period of his interim bail. He shall not go anywhere near the office of DDA at INA or elsewhere. He shall surrender after his examination scheduled on 04.10.2020 at the jail. With above conditions the application seeking grant of interim bail filed by accused is allowed till 4th of October 2020 on his furnishing personal bond in the sum of Rs.1 lakh with one surety of like amount. The application stands disposed off.

Soft copy of this order be sent through office email ID to the prosecution as well as Ld. Counsel for the accused. A copy of this order be also sent to Jail Superintendent, Tihar, Delhi as per procedure being followed.

Dated 01.10.2020

Anuradha Shukla Bhardwaj
Special Judge PC Act 21
RADC New Delhi