

CC no. RC 2212019E0010
u/s 419/420 r/w section 511 IPC
and 66 D Information Technology Act 2000
CBI v. Prince Sharma

18.09.2020

This is a bail application moved on behalf of accused / applicant Prince Sharma s/o Shiv Dutt Sharma.

Present : Ld. PP Sh. Navneet Jawa for CBI.

IO Insp. Insp. Tarun Gaur present.

Ld. Counsel Sh. Sidharth Mehta for the accused.

Due to spreading of Corona Virus (COVID-19), special measures taken by the Government to prevent it by ordering a nationwide lockdown, the hearing of the urgent matter has been conducted through Video Conference using CISCO WEBEX app after taking consent of the parties, in terms of directions issued by the Ld. District and Sessions Judge, Rouse Avenue District Courts.

It is submitted by the Ld. Counsel appearing on behalf of the accused that no further recovery is required to be made from the possession of the accused and the investigation has almost been completed by the IO. It is further submitted that the accused has been in custody since 11.09.2020. It is further submitted that in the reply filed by the IO merely bald averments related to other transactions have been made that are also alleged to show the involvement of the accused whereas no such proof till date has been recovered by the IO. It is further submitted that the accused is a family person and there is no flight risk so he is otherwise entitled to bail in the present matter. Ld. Counsel further stressed upon the guidelines of the high committee authority of the Hon'ble High Court

whereby the accused charged with the offence having punishment below 7 years be considered liberally for granting of interim bail in view of ongoing pandemic. Hence, it is prayed that accused be enlarged on bail and he shall abide by the conditions whatever imposed by the court.

On the other hand, Ld. PP strongly opposed the application submitting that accused is a habitual offender and has modus operandi to cheat the public persons in the name of the ministries. It is further submitted that several victims have been traced by the Investigating agency who have been cheated by the accused along with his accomplices to the tune of several lakhs of rupees. It is further submitted that accused if released on bail may tamper with the evidence and delete the data and he may further continue to commit such offences. IO Insp. Tarun Gaur added to the arguments and submitted that some fake and forged letters in official form have also been recovered from the victims allegedly made by the accused which are sent for verification whose results are still awaited and some other serious offences may have been committed by the accused for which a detailed investigation is still in process. IO has strongly opposed the application mentioning that the investigation is at the initial stage and releasing the accused from the custody may hamper the investigation and the tampering of the evidence by him on his release cannot be ruled out.

Submissions heard. Record perused.

Till date in the investigation carried by the investigating agency direct connection of accused in commission of offences has been established so arguments of Ld. Counsel for the accused that the offences on merits are not made out stands rejected. As per the submissions made by Ld. PP for CBI the investigation is at the initial stage and some more incriminating material is under process to be gathered along with tracing of the victims and the accomplices of accused. It is also found by the investigating agency that the accused has been

continuously defrauding innocent people for last 2 ½ years and if he be released on bail he may tamper with the collected data which is a matter of consideration during investigation by the investigating agency.

In view of the seriousness of the offences and considering the possibility of tampering of evidence by the accused when the investigation is at the initial stage, he cannot be released on bail at this stage. Accordingly, bail application stands dismissed. Application stands disposed off.

Copy of the order be provided to the Ld. Counsel for the applicant/accused as well as to the IO concerned through electronic mode i.e. whatsapp and email.

Order be also uploaded on the website.

[Vishal Pahuja]
Link ACMM-01/RADC/18.09.2020