

**IN THE COURT OF MS. SANTOSH SNEHI MANN,
SPECIAL JUDGE (PC ACT) : CBI-08 : RADC : ND**

In re:

RC No. RC-DAI-2020-A-0027-ACB/ND

U/S: Section 120-B IPC Act & Sections 7, 7-A PC Act

Bail application No. 59/2020

CBI Vs. Anil Kumar Meena

[Bail Application u/s 439 Cr.P.C. of accused Anil Kumar Meena]

22.09.2020

Bail application is taken up by physical hearing in the court room, in reference to the *Order No. Power Gaz./RADC/2020/E-11430-11513 dated 02.09.2020 of Ld. District & Sessions Judge-cum-Special Judge (PC Act)(CBI), RADC, New Delhi.*

Regular functioning of the Courts at District Courts, Delhi has been suspended since 23.03.2020 vide orders of Hon'ble High Court of Delhi received from time to time, the last such order is *No. 417/RG/DHC/2020 dt. 27.08.2020.*

Present: Advocates Sh. Virendra Kumar and Sh. R.B. Sharma, counsels for the applicant/accused Anil Kumar Meena.

Mr. M. Saraswat, PP for CBI with IO/Inspector Shyam Rai and SI Ashok Kumar, *Pairvi* Officer.

Reply to the bail application is filed by IO. Copy be given.

Heard on the bail application.

Record perused.

Background facts are that on 31.08.2020 a written complaint was made by Sh. Jagdish Lal Barreja s/o Late Sh. Pokhar

Dass to CBI stating that he had purchased a house at plot no. 61, Teachers Colony (Bhushan wali gali) about 3 months ago, on which he was carrying out construction/repairs after demolishing the 2nd floor. It was alleged that on 27.08.2020, one MCD staff namely Anil Kumar @ Sonu, Mate (Chapراسى) at MCD office, Civil Lines, Delhi, came to the site of construction/repairs and called the complainant from the mobile phone of Mr. Anil, an employee of the complainant and also pasted a notice at the spot.

Complainant Jagdish Lal Barreja asked Mr. Sonu to come to his office at Plot No. 110, Gali No. 6, Samaypur Badli, Delhi, who then visited the complainant in his office and allegedly told him that they take Rs. 600/- per sq. yards per *lantering*. Complainant requested Anil Kumar @ Sonu to reduce the amount, who then told the complainant to meet the applicant/accused Anil Kumar Meena, J.E., M.C.D at his office at room no. 312, IIIrd floor, building no. 2, Civil Lines, Rajpur Road, New Delhi in this regard or else action will be initiated against him.

Complaint was verified in the presence of an independent witness. During verification proceedings, demand of bribe of Rs. 50,000/- by the applicant/accused Anil Kumar Meena and co-accused Anil Kumar @ Sonu was confirmed and consequently, FIR was registered on 04.09.2020.

In the trap proceedings on 04.09.2020 co-accused Anil Kumar @ Sonu was caught red-handed for demanding and accepting bribe at the behest of the applicant/accused Anil Kumar Meena, who was arrested subsequently after he accepted the bribe in a telephonic

conversation between him and the co-accused Anil Kumar @ Sonu.

Learned Defence counsel argued that there is no allegation of demand directly by the applicant/accused Anil Kumar Meena in the written complaint. The bribe money was not accepted and recovered from him. Applicant/accused Anil Kumar Meena was not arrested at the spot. Nothing incriminating was found in the house search of the applicant/accused. Learned defence counsel has referred two judgments of Hon'ble Delhi High Court - *Ram Mahesh Yadav Vs. State, 2006 SCC OnLine Del 1613* and *Mahesh Kumar & Ors. Vs. Central Bureau of Investigation, 2013 (138) DRJ 288*, in support of his arguments.

Learned Public Prosecutor for CBI has opposed the bail application on the grounds inter-alia that the bribe money was accepted by co-accused Anil Kumar @ Sonu under a criminal conspiracy between him and the applicant/accused Anil Kumar Meena; that applicant/accused Anil Kumar Meena demanded and accepted the illegal gratification of Rs. 50,000/- from the complainant through co-accused Anil Kumar @ Sonu, which was confirmed in the recorded conversation between the accused persons after the transaction; that investigation is at an early stage and if applicant/accused is released on bail there is reasonable apprehension that he may threaten and influence the witnesses, and tamper with the evidence, which shall hamper the on-going investigation.

I have carefully considered the rival submissions in the light of material on record.

It is a matter of record that there is no direct allegation of

demand of bribe against the applicant/accused Anil Kumar Meena in the written complaint. The rough transcript of the recorded conversation during verification proceedings and trap proceedings show that on 31.08.2020, co-accused Anil Kumar @ Sonu had asked the complainant to meet the applicant/accused Anil Kumar Meena, J.E. and on 01.09.2020 when complainant met the applicant/accused Anil Kumar Meena in his office, the rough transcript of the recorded conversation between the two hints at demand by the applicant/accused Anil Kumar Meena from the complainant. Though, the bribe money was not accepted by the applicant/accused Anil Kumar Meena in the trap proceedings, the rough transcript of the recorded conversation between him with co-accused Anil Kumar @ Sonu, who was caught red-handed accepting the bribe money, indicate his involvement in the transaction through the co-accused Anil Kumar @ Sonu.

The judgment cited by learned defence counsel **Ram Mahesh Yadav (Supra)** is not applicable to the facts of this case as that was an anticipatory bail matter. **Mahesh Kumar (Supra)** is also not applicable at this stage because bail in that case was granted after filing of the charge-sheet.

Coming to the facts and circumstances of the matter, applicant/accused Anil Kumar Meena is in judicial custody since 18 days; statements of the witnesses have already been recorded; independent witnesses are government servants; nothing incriminating has been recovered from the applicant/accused and material investigation is complete. Apprehension of CBI that if granted bail,

the applicant/accused may influence the witnesses or may tamper with the evidence is too general and not specific. Applicant/accused Anil Kumar Meena being a public servant has roots in the society.

In the above facts and circumstances of the matter, **it is deemed just and proper to grant bail to the applicant/accused Anil Kumar Meena on his furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount, subject to the following conditions:**

1. He shall furnish his current address(es) to the IO and in case of any change in the address(es), he shall report to the IO;
2. He shall furnish his active mobile phone numbers and e-mail address(es) to the IO within 02 days of his release from the judicial custody;
3. He will join the investigation as and when asked by the IO;
4. He will not try to influence or approach the witnesses including the complainant.
5. He will not tamper with the evidence or hamper the investigation in any manner.

Bail application is allowed.

Bail bond be furnished by the applicant/accused before the concerned Duty Magistrate as per the prevailing procedure during suspension of regular functioning of the Court.

Digitally signed copy of the bail order be sent to the Computer Branch, RADC for uploading it on the official website of

Delhi District Courts.

Hard copy of the order be placed on record in the judicial file by the Reader.

(Santosh Snehi Mann)
Special Judge (PC Act), CBI-08
RADC/ND: 22.09.2020

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