

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF
METROPOLITAIN MAGISTRATE, CENTRAL DISTRICT,
TIS HAZARI COURTS, DELHI.**

FIR No. 58/2018

PS: EOW

State Vs. Sanjay Kumar

u/s 406/409/420/120-B IPC

Bail application

03.07.2020

This is an application under Section 437 Cr.P.C received through E-mail as moved on behalf of applicant/accused Sanjay Kumar for grant of bail.

Present: Sh. Rajeev Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex.
Sh. Raunak Satpati, Ld. Counsel for the applicant/accused has been joined via Video Conferencing through Cisco Webex.
IO/SI Yadram has also been joined via Video Conferencing through Cisco Webex.

Ld. Counsel has contended that applicant/accused Sanjay Kumar was not named in the FIR and that it was the co-accused Vikas Bhagat who has played a pivotal role in commission of crime. Ld. Counsel for the applicant/accused has invited the Court's attention to the minutes of board of meeting dated 10.11.2012 to contend that applicant/accused Sanjay Kumar was introduced as an Additional Director in a non-executive capacity. He has further contended that it was Manoj Kumar and Vikas Bhagat who were working as authorized representatives to operate bank accounts of M/s. Airwil

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Business Park Private Limited. Thus, according to Ld. Counsel, it is explicit that applicant/accused had no role in conducting financial dealings. It was strongly contended that because of expertise of the applicant/accused in construction related activities, he was joined as an Additional Director. Further, Ld. Counsel has contended that Anil Ram Sutar and Sameer Anil Sutar directors of M/s. Airwil Business Park Private Limited were already enlarged on bail vide order dated 25.10.2019 passed by Ld. ASJ Sh. Ramesh Kumar and are on bail since then. Thus, Ld. Counsel has contended that on the ground of parity, applicant/accused Sanjay Kumar ought to be granted bail.

Ld. Counsel has further contended that it is Vikas Bhagat who was also director in the said company, was involved in committing fraud and other illegal activities, cognizance of which has already been taken by NCLT and it has already issued NBWs against him. Further, Ld. Counsel has replied to the submissions made by the IO with respect to registration of 06 FIRs against the applicant/accused. Ld. Counsel has contended that in FIR no. 47/2018, PS EOW, the applicant/accused was already granted anticipatory bail and was directed to surrender and file regular bail application and the same has been filed, but is pending for objections. Further, as far as FIR no. 262/2017, PS Bisrakh is concerned, Ld. Counsel has contended that it is the same complainant namely Sunil Kumar Dobriyal who has filed similar cases based on same

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facts and on the same transaction at Bisrakh, Greater Noida UP. Further, Ld. Counsel has contended that the complainant Sunil Kumar Dobriyal is misusing the process of law by filing similar cases based on similar transaction at various Forums/Courts. Further, as far as FIR no. 1217/2018, PS Bisrakh is concerned, it is contended that name of applicant/accused Sanjay Kumar does not figure neither in the FIR nor in the charge-sheet. However, Ld. Counsel could not satisfactorily explain why FIR no. 685/2017, PS Punjabi Bagh and FIR no. 21/2020, PS EOW have been lodged against the applicant/accused Sanjay Kumar. Lastly, Ld. Counsel has contended that applicant/accused is in custody since 25.06.2020 and since bail is the rule and jail is the exception, he should be released on bail.

Ld. APP for the State and the IO/SI Yadram have strongly opposed the bail application as per law. At the outset, Ld. APP for the State has contended that accused Anil Ram Sutar and Sameer Anil Sutar had different roles to play and they were not involved in dealings of day to day affairs of the company. Further, the present applicant/accused Sanjay Kumar was involved in day to day affairs of the company and he was drawing remuneration and was an authorized representative of the company, and his signatures are present on board resolution, annual returns etc. Ld. APP has further contended that M/s. Airwil Business Park Private Limited

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was not authorized to take money from the public for investment in the project. Further, around 1800 investors have invested their hard earned money of which as of now 152 persons have become complainants herein. Further, a huge amount of Rs. 22 crores have been embezzled. IO has contended that co-accused Vikas Bhagat etc. have yet to be arrested. He has further contended that accused have not been co-operating with the investigation and have not been supplying documents to the investigating agency.

Submissions heard. Reply of IO perused.

A perusal of reply of IO prima facie reveals that applicant/accused herein was an additional director in the company and was a major shareholder and beneficiary. During the course of arguments, IO had mentioned that applicant/accused herein has received Rs. 1,10,00,000/- as salary, and this shows his complicity in day to day affairs of the company. Further, even though the accused has been appearing before the Office of EOW through his brother, but has not been supplying the IO with documents required for investigation.

This Court cannot disregard the fact that around 152 complainants have filed complaints regarding cheating amount of Rs. 22 crores against accused herein and others. Further, as per the reply of IO, M/s. Airwil Business Park Private Limited was not authorized to sell or develop and to accept booking amount from the investors. Further, merely 15% of the construction has taken place in residence/villas

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tower and 2% construction has been completed in commercial/office space of project. Further, as per the agreement with the complainant, possession of units/shops was to be handed over to the investors on 01.10.2017, but the project is incomplete even as on date. Lastly, the applicant/accused is involved in as many as 06 cases bearing FIR no. 47/2018, PS EOW, FIR no. 108/2018, PS EOW, FIR no. 262/2017, PS Bisrakh, FIR no. 1217/2018, PS Bisrakh, FIR no. 685/2017, PS Punjabi Bagh and FIR no. 21/2020, PS EOW.

Considering the facts and circumstances of the case, nature of allegations, gravity of offence, involvement of the accused in several other cases and above circumstances, I am not inclined to grant bail to the **applicant/accused Sanjay Kumar**, at this stage. The bail application is, accordingly, dismissed.

The order be uploaded on the District Courts website forthwith.

ARUL Digitally signed
by ARUL VARMA
VARMA Date: 2020.07.03
16:24:22 +0530
(Arul Varma)
CMM (Central), Delhi
03.07.2020

FIR No. 263/2019
PS: Crime Branch
State Vs. Vipin Sharma @ Vijay Chopra
U/s 420/419/467/468/471/201/34 & 120B IPC
Misc. Application

03.07.2020

This is an application received through E-mail as moved on behalf of the applicant/accused Vipin Sharma @ Vijay Chopra for de-freezing of bank account.

Present: Sh. Rajeev Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex.
Ld. Counsel for accused has been joined via Video Conferencing through Cisco Webex.

Reply of IO/SI Santosh Kumar has been received through E-mail seeking more time to file complete reply.

Accordingly, the application be put up on **06.07.2020.**

Let complete reply be filed by the next date of hearing.

The order be uploaded on the District Courts website forthwith.

ARUL
VARMA
(Arul Varma)

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by ARUL VARMA
Date: 2020.07.03
16:21:01 +0530

CMM (Central), Delhi/03.07.2020

FIR No. 486/2007
PS: Kashmere Gate (EOW)
State Vs. Upender Singh
U/s 287760/2016

03.07.2020

File taken up today as the matter was listed for orders on 07.04.2020.

Present: None.

Let Court notice be issued to both the parties for orders on **11.07.2020**.

The order be uploaded on the District Courts website forthwith.

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by ARUL
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Date:
2020.07.03
16:25:50 +0530

(Arul Varma)
CMM (Central), Delhi/03.07.2020

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF
METROPOLITAIN MAGISTRATE, CENTRAL DISTRICT, TIS
HAZARI COURTS, DELHI.**

FIR No. 204/2019

PS: Crime Branch

State Vs. Mohd. Rehan Etc.

CIS no. 2519/2020

03.07.2020

File taken up today on an application received through E-mail as moved on behalf of accused persons for early hearing in the matter as accused are in JC.

Present: Sh. Rajeev Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex.
Sh. L.N. Rao, Ld. Counsel for the accused persons has been joined via Video Conferencing through Cisco Webex.

Submissions heard.

In view of the submissions made, the application for early hearing is allowed.

I have heard the submissions and perused the report of 173 Cr.P.C. and material sent with it. There is sufficient material on record against the accused persons to proceed with the case. Hence, I take cognizance of offences under Section 304/308/34 IPC and Section 79 J.J. Act.

At request, complete copies of charge sheet and documents filed therewith including statements u/s 161 Cr.P.C be supplied to the accused Mohd. Rehan, who is on interim bail. He has received the copy of charge-sheets on behalf of other accused persons as well.

Renotify for scrutiny of documents and committal proceedings on **07.07.2020**.

The date already fixed stands cancelled.

The order be uploaded on the District Courts website forthwith.

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VARMA
(Arul Varma)

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by ARUL VARMA
Date: 2020.07.03
16:19:53 +0530

CMM (Central), Delhi/03.07.2020