

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

**In Re:**  
**RC No. RC-DAI-2020-A-0023-ACB/ND**  
**U/S: 120-B IPC r/w Section 7 PC Act**  
**CBI Vs. Ajit Bhardwaj**

**[Bail application u/s 439 Cr.P.C of accused Ajit Bhardwaj]**

16.09.2020

*Bail application is taken up by Video Conferencing through unique court ID on CISCO Webex Meeting App, created under Delhi District Court domain, in reference to the **Order No. E- 10559-10644/Power/Gaz./RADC/2020 dated 28.08.2020 & Circular No. E-8051-8130/Comp/RADC/ND/2020 dated 03.08.2020 of Ld. District & Sessions Judge-cum-Special Judge (PC Act) (CBI), RADC, New Delhi, since 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:** None for the applicant/accused Ajit Bhardwaj.

Sh. M. Saraswat, PP for CBI.

Vide separate order announced today, the bail application of accused Ajit Bhardwaj is dismissed.

Digitally signed copy of the order sheet and the order be sent to the Computer Branch, RADC for uploading it on the official website of Delhi District Courts.

Hard copy of the order sheet, order and copies of the  
aforementioned orders of the Hon'ble High Court of Delhi and Ld.  
District & Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse  
Avenue District Court, New Delhi be placed on record in the judicial  
file by the Reader as and when physical functioning of the courts is  
resumed.

The order sheet and the order have been dictated to Mr.  
Pankaj Sanwal, Personal Assistant by video conferencing.

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(Santosh Snehi Mann)  
Special Judge (PC Act), CBI-08  
RADC/ND: 16.09.2020

PS

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

**In Re:**

**RC No. RC-DAI-2020-A-0023-ACB/ND**

**U/S: 120-B IPC r/w Section 7 PC Act**

**CBI Vs. Ajit Bhardwaj & others**

***[Bail application u/s 439 Cr.P.C of accused Ajit Bhardwaj]***

16.09.2020

**ORDER**

1. Vide this order, I shall dispose of the bail application of accused Ajit Bhardwaj filed under Section 439 CrPC.
2. Background facts in brief are:
  - i. A written complaint dated 13.08.2020 was filed in the office of Superintendent of Police, ACB, CBI, New Delhi by the complainant Mohit Masoori stating that a notice of allotment of a plot in place of Jhuggi No. G-230 at Dr. Ambedkar Camp, New Delhi was given by D.D.A to one Kennedy, known to him and that he has bought all relevant documents of this plot from Mr. Kennedy. Complainant has been visiting D.D.A office in this regard where he met Sudhanshu Ranjan, A.D, D.D.A and Darban Singh, a D.D.A employee, and informed them that he is selling papers of this plot to a third party, and so requested allotment of the plot in the name of Kennedy for this purpose. Allegedly, Sudhanshu Ranjan and Darban Singh asked the complainant to arrange bribe of Rs. 4 lacs from the person to whom he was selling

those papers.

- ii. In the verification proceedings, demand by applicant/accused Ajit Bhardwaj and co-accused Darban Singh, made on behalf of the accused Sudhanshu Ranjan, A.D., D.D.A was verified. Conversation of the complainant with the applicant/accused Ajit Bhardwaj and co-accused Darban Singh during verification proceedings was recorded. Consequently, FIR was registered on 14.08.2020.
  - iii. On 14.08.2020 applicant/accused Ajit Bhardwaj and co-accused Darban Singh were caught red-handed in the trap proceedings while demanding Rs. 4 lacs as bribe and accepting Rs. 1 lac as part payment of bribe, which was recovered from the bag of co-accused Darban Singh in the presence of independent witnesses.
3. I have heard Advocate Pramod Kumar, counsel for the applicant/accused Ajit Bhardwaj and Mr. M. Saraswat, PP for CBI. I have carefully perused the entire record.
  4. Ld. defence counsel argued that the applicant/accused Ajit Bhardwaj is neither named in the written complaint nor he ever met the complainant and there is no allegation of demand of illegal gratification by the applicant/accused from the complainant. It was argued that though as per the verification report, applicant/accused Ajit Bhardwaj had made a demand of Rs. 4 lacs from the complainant, but in fact the applicant/accused has nothing to do with the commission of offence and further that the transcript of the alleged

conversation between the complainant, co-accused Darban Singh, independent witnesses and the applicant/accused Ajit Bhardwaj does not show clear demand of any illegal gratification by the applicant/accused Ajit Bhardwaj from the complainant at any point of time and rather shows that applicant/accused Ajit Bhardwaj was making queries from the complainant about GPA, Ration Card and Draft, which are the necessary documents for the allotment process.

5. It was argued by the Ld. defence counsel that nothing incriminating has been recovered from the applicant/accused Ajit Bhardwaj or at his instance during his house search, and that applicant/accused Ajit Bhardwaj was interacting with the complainant only under the instructions of accused Sudhanshu Ranjan; that recovery of bribe amount was made from the bag of co-accused Darban Singh; that applicant/accused Ajit Bhardwaj was forced by the CBI to make call to the accused Sudhanshu Ranjan, A.D, D.D.A and the said conversation between the applicant/accused Ajit Bhardwaj and Sudhanshu Ranjan cannot be read against the applicant/accused since it was not voluntary.
6. It was further argued that applicant/accused Ajit Bhardwaj is in no position to give any benefit to the complainant and was acting only on the instructions and on behalf of the accused Sudhanshu Ranjan, his boss. It was argued that applicant/accused is in judicial custody since about 01 month; investigation qua him has already concluded and his judicial

custody is not required for any further investigation. Ld. defence counsel has referred to the Apex Court decision in ***P. Satyanarayana Murthy v. The Dist. Inspector of Police & Ors; Criminal Appeal No. 31/2009 dt. 14.09.2015*** and Delhi High Court decision in ***State v. Rajeev Kumar Arora; CRL.REV.P. 555/2016 dt. 26.07.2017.***

7. Ld. PP has opposed the bail application on the grounds inter-alia that investigation is at very initial stage; that various documents are still to be recovered and material witnesses are yet to be examined, including large number of wrongful allottees, to unearth large conspiracy in the Land Management Department, D.D.A, which has caused huge loss to the Government Exchequer.
8. It was further argued that the evidence collected so far shows that the bribe money was taken and accepted by the applicant/accused along with the co-accused Darban Singh on behalf of accused Sudhanshu Ranjan under a criminal conspiracy. There is reasonable apprehension that if the applicant/accused Ajit Bhardwaj is released on bail, he may influence the witnesses and tamper with the evidence, which shall hamper the on going investigation.
9. I have considered the rival submissions in the light of material on record.
10. Rough transcript of the recorded conversation during verification proceedings (Q-1) includes conversations attributed to the applicant/accused Ajit Bhardwaj in which he is asking the

complainant to bring the money tomorrow and is also telling him that 'Sir' has said not to reduce from '4'. These conversations in the backdrop of the written complaint and FIR appear to be in the context of demand of bribe of Rs. 4 lacs by the accused Sudhanshu Ranjan, alleged in the written complaint.

11. Rough transcript of the recorded conversation during trap proceedings (Q-2) shows conversations between the applicant/accused Ajit Bhardwaj, complainant and co-accused Darban Singh about money, and about meeting at a particular point in that regard. As per record, during Trap proceedings in the presence of the independent witnesses, applicant/accused Ajit Bhardwaj had made a call from his mobile phone on the mobile phone of accused Sudhanshu Ranjan, and informed him about receiving part of the bribe amount. Rough transcript in Q-2 also contains transcript of the said recorded conversation, which indicate involvement of applicant/accused Ajit Bhardwaj in the whole process to demand and receive the bribe money from the complainant on behalf of the accused Sudhanshu Ranjan.

12. Though the bribe money of Rs. 1 lac was recovered from the bag of co-accused Darban Singh, as per the statements of the independent witnesses, it was received from the complainant by the applicant/accused Ajit Bhardwaj and then was kept in the bag. The recovered trap money was treated with phenolphthalein powder in the pre-trap proceedings and hand-

washes of applicant/accused Ajit Bhardwaj had turned pink in the trap proceedings, indicating his contact with the bribe money.

13. During house search of accused Sudhanshu Ranjan, a register marked as S. No. 13 & 20, Sarita Vihar, Ambedkar Camp was recovered which was an un-official record of illegal allottees of DDA lands from the year 2004 onwards. In the office search of the accused persons, a register make “Candy” was recovered, which contains the list of various illegal allottees. Further a register bearing title - “Temp Register 21” was recovered from the possession of co-accused Darban Singh during trap proceedings, which was maintained by the accused persons to defraud allottees with ulterior motives of illegal gratification. This particular register contains an entry at page 25 in respect of allotment of Plot no. 69, Plot A/Ph-II in the name of Kennedy.

14. The above facts and circumstances show conscious involvement of the applicant/accused Ajit Bhardwaj in the whole transaction along with the other accused.

15. Recovery of unofficial record/registers from the house search of accused Sudhanshu Ranjan, office search of all the accused persons and from the possession of co-accused Darban Singh indicate that present incident is not a sole incident, it indicates an on-going practice of illegal allotments for consideration of bribe, being done in an organized manner under a criminal conspiracy over a long period of time.

16. I am convinced with the arguments of Id. PP that since

investigation is at the very initial stage, material documents are yet to be recovered and many material witnesses on the basis of the unofficial records recovered are yet to be examined, there is every likelihood that if released on bail, applicant/accused Ajit Bhardwaj may influence the witnesses and tamper with the evidence, which shall hamper on-going investigation.

17.The judgments cited by ld. defence counsel are of no help in bail application at this stage.

18.Hence, the bail application of applicant/accused Ajit Bhardwaj is dismissed.

19.Digitally signed copy of the order be sent to the Computer Branch, RADC for uploading it on the official website of Delhi District Courts.

20.Print-out of the order be placed on record of the judicial file as and when physical Court working is resumed.

21.The order has been dictated to Mr. Pankaj Sanwal, Personal Assistant by video conferencing.

Announced in the open Court  
on 16<sup>th</sup> Sept., 2020

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**(Santosh Snehi Mann)**  
Special Judge (PC Act), CBI-08,  
Rouse Avenue District Court  
New Delhi

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

**CC No. 02/14**

**CIS No. 160/2019**

**CBI Vs. Manish Kumar Srivastava and others**

**RC No. 31A/2012/CBI/ACB/ND**

**U/S: 120-B r/w 420, 467, 468, 471 & 472 IPC; 13(2) r/w  
13(1)(d) PC Act and 66(A), (C) & (D) of IT Act.**

**16.09.2020**

*Case file taken up by Video Conferencing through unique court ID on CISCO Webex Meeting App, created under Delhi District Court domain, in reference to the Order No. E-10559-10644/Power Gaz./RADC/2020 dated 28.08.2020 & Circular No. E-8051-8130/Comp/RADC/ND/2020 dated 03.08.2020 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.*

*Subject to the orders/directions of the Hon'ble High Court and Ld. District & Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse Avenue District Court, New Delhi received from time to time, cases are being taken up either for physical hearing in the court room or through Video Conferencing.*

**Present:** Sh. M. Saraswat, PP for CBI with SI Ashok Kumar,  
Pairvi Officer.

Accused Prem Krishna (A-2), Rakesh Kumar Sethia (A-4), James Paul Kennedy (A-5), M.K. Balamurugan (A-6), accused Thamil Selvam (A-7) & accused A. Raja Gopalan (A-9) on bail.

Accused/company M/s Sree Lajhna Educational & Training Foundation (A-12) is represented by accused A. G. Rajagopalan (A-9).

Accused M. Kathirvel (A-8), Ms. R. Usha (A-10) and Gunasekharan (A-11) are proclaimed offenders.

Advocate Deepak Bhandana, counsel for accused Sanjay Kumar (A-3), Rakesh Kumar Sethia (A-4) & James Paul Kennedy (A-5).

Advocate C. Kannan, counsel for accused Thamil Selvam (A-7).

None for accused Manish Kumar Srivastava (A-1).

This case is fixed for prosecution evidence today.

*Vide the order dated 30.07.2020 of Ld. District & Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse Avenue District Court, New Delhi (No. Power/Gaz./RADC/2020/E-7784-7871), it has been directed that **evidence shall be recorded only in ex-parte and uncontested cases.***

Hence, the present matter stands adjourned to 06.11.2020 for prosecution evidence.

Digitally signed copy of the order sheet be sent to the Computer Branch, RADC for uploading it on the official website of Delhi District Courts.

Hard copy of the order sheet and copies of the aforementioned orders of the Hon'ble High Court of Delhi and Ld. District & Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse Avenue District Court, New Delhi be placed on record in the judicial file by the Reader as and when physical functioning of the courts is resumed.

The proceedings have been dictated to Ms. Indu Sharma Bhoria, Personal Assistant by video conferencing.

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(Santosh Snehi Mann)  
Special Judge (PC Act), CBI-08  
RADC/ND: 16.09.2020

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