

**In the Court of Sh. Dig Vinay Singh, Special Judge (PC Act) (ACB)-02
Rouse Avenue District Court, New Delhi**

State Vs. Madan Lal S/o Sh. Dharampal

FIR No. 2/2020

P.S Anti Corruption Branch

U/s 7 of POC Act 1988 & Sec.

420/467/468/471/120B of IPC

30.03.2020

Present : Ld. Additional PP for the State Sh. Jagdamba Pandey

Ld. Counsel for the accused Mr. Manoj Sonkar.

Investigating Officer Inspector Bhagwan Singh.

This bail application has been heard by the undersigned today through Video Conferencing in terms of Office Order dated 28.03.2020 bearing no. DJ/RADC/2020 from the Office of District & Sessions Judge cum Special Judge (PC Act)(CBI) Rouse Avenue District Courts, New Delhi, as modified vide office order no. 3/RADC/2020 dated 30.03.2020, the undersigned being on duty today and the functioning of Sub-Ordinate Courts in Delhi being under suspension in view of Nationwide lock down as declared by the Government of India and pursuant to the Office Order no. 159/RG/DHC/2020 dated 25.03.2020 of Hon'ble Delhi High Court.

The undersigned has received copy of bail application; the reply of the IO dated 12.03.2020 as well as 28.03.2020, along with the copy of orders

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dated 12.03.2020 & 13.03.2020, in pdf file format, through email from the PS to the District & Sessions Judge, RACC, Delhi.

This bail application was preferred on 11.03.2020 and was listed firstly on 12.03.2020 and then on 13.03.2020. On 13-03-2020 the court concerned gave specific direction to the IO to take immediate steps for collection of relevant sheets / documents from the Axis Bank and DTTDC connecting the role of the present applicant in the present case.

The IO has filed reply dated 28.03.2020 stating that communication was sent to the bank as well as DTTDC on 13.03.2020 which are still awaited and he has also mentioned that in view of present scenario of pandemic Covid-19, it is not possible to receive/obtain the requisite documents and details during the lockdown period, which at present is in force till 14-04-2020.

Through video conferencing, I heard Ld. Counsel for the accused Mr. Manoj Sonkar; Ld. Additional PP for the State Sh. Jagdamba Pandey and the investigating officer Inspector Bhagwan Singh.

Briefly stated, the facts of the case are that present accused while working as Assistant Manager (Accounts) in DTTDC, in conspiracy with co-accused Sunil Thapliyal, Assistant Manager (IT) forged certain note sheets and got released unauthorized payment to various vendors/ suppliers of DTTDC during the period 2017-2019. It is the case of investigating agency that the applicant and his co-accused manipulated the date of TPs, bills and note sheets and authorized payment to certain vendors unauthorizedly. According to the investigating agency, an amount of approximately Rs. 68 Crores were so released to different vendors as named in the reply of the

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investigating officer. It is the case of investigating agency that co-accused Sunil used to initiate the note sheets along with excel sheets mentioning the TPs date, bill number etc. for taking approval of senior officers regarding payment to suppliers against the supply of IMFL and Beer. After approval from the concerned officers, the file containing the approval note sheet and excel sheet reached the present applicant Madan Lal being Assistant Manager (Accounts). It is claimed that both the accused in conspiracy changed the approved note sheets and excel sheets and used to incorporate name those parties which were not approved for payment in the original note sheet and thus, payments used to be made to unapproved parties by reducing the amount of other approved parties. It is the case of investigating agency that in this process RTGS sheets were also manipulated and submitted to the Axis bank for payments. From the said bank the original RTGS sheets are yet to be collected by the investigating agency, for which notices were sent, as mentioned above, which are still awaited. The present accused was arrested on 24.01.2020 and is stated to be in custody since then.

On being inquired, the investigating officer submits that this accused was taken in PC for three days and during that period from his office certain relevant files and documents were seized as also the hard disk of his computer. Admittedly, nothing was recovered from the house of the accused and the IO also admitted that perusal of bank account of the accused did not reveal any major monetary transaction. Till now, no money trail has been found which can incriminate this accused. The IO also admitted that as per

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investigation conducted till now, estimated loss to DTTDC is approximately Rs. 87 Lakhs.

Admittedly, investigation is likely to take long time, particularly in view of the fact that there is nationwide lock down at present and documents are yet to be collected and also specimen writings and signatures will have to be sent to FSL for comparison. Presently there is uncertainty as to till what time, this lock down may continue. The accused has spent more than two months behind bars by now. He cannot be kept behind bars for indefinite period with virtually no progress in investigation. The evidence in the present matter would be primarily documentary which as per investigating agency has to be obtained from the Axis Bank and DTTDC. Therefore, there is no imminent danger of the applicant destroying the evidence or tampering with the evidence at this stage. The apprehension of investigating agency that the applicant may temper with evidence is uninspiring.

In the given facts & circumstances and due to peculiar facts and circumstances of uncertainty due to lock down, **the applicant is ordered to be released on bail for an interim period till 22.05.2020 upon furnishing personal bond/surety bond in the sum of Rs.50,000/- with one surety in the like amount. The bond shall have to be tendered by the applicant before the Ld. Duty Magistrate who is on duty in concerned Tihar Jail, in terms of office order dated 28.03.2020 as mentioned above.** The counsel for applicant has been informed about the bond to be presented and the concerned Computer Branch official who was also live on video conferencing has been instructed to supply a copy of office order dated

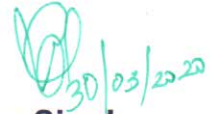
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28.03.2020 to the Counsel for applicant as also a copy of this order. This order is being scanned after my signatures and the scanned pdf file is being transmitted to the PS of Ld. District & Sessions Judge, RADC for further onward uploading on the website by the Computer Branch and for supply of its copy to the IO, Ld. PP and the Counsel for accused. The original of this order shall be available with the Ahlmad of the Court of the undersigned as and when the Court resumes.

The application be now listed on 22.05.2020 before the concerned court as may be assigned by Ld. District & Sessions Judge, Rouse Avenue District Court, New Delhi.



**Dig Vinay Singh,
Spl. Judge, (PC Act) (ACB)-02
Rouse Avenue, Delhi
30.03.2020**