

THE COURT OF ANURADHA SHUKLA BHARDWAJ JUDGE CBI 21: ROUSE AVENUE DISTRICT COURT: NEW  
DELHI

FIR NO RC-DAI-2018-A-0023

U/S 7, 7(A), 8,9, 10, 12,13(1)(B) P.C. ACT

CBI VS NEERAJ KUMAR & OTHERS

The hearing of the present application was taken up via Zoom meeting app in the presence (onscreen) of

Sh. U. C. Saxena Senior PP from CBI  
Sh Vishal Gosain Advocate, Counsel for the applicant

1. Applicant Ajay Chandra has moved this application seeking modification of his bail order under extra ordinary circumstances.
2. It is stated that the applicant was granted bail by the court of Ms Illa Rawat Ld. Spl Judge CBI New Delhi on 13-03-2019 (a copy of the order is annexed with the application). The applicant, however, did not file the bail bond as he was in custody in another matter. The applicant further submits that there is a likelihood of applicant getting bail in the matter in which he is in custody. The accused if granted bail in the said matter will continue to languish in jail in this matter in absence of surety in view of the existing situation of the day due to Corona Virus outbreak. The applicant is thus seeking a modification in the condition of bail and a direction to be released on furnishing of personal bond in terms of bail order. He in this regard has also relied upon the directions of Hon'ble Supreme Court in **Suo Moto Writ Petition no 1/2020 order dated 23-03-2020**. And also the directions of Committee of Hon'ble High Court contained in Minutes of Meeting dated 28-03-2020.
3. The application has been opposed by Ld. Prosecutor mainly on the ground that the accused is trying to take benefit of the situation. He argued that the applicant is involved in a heinous offence. There is a possibility of accused not getting bail in the other matter. He also stated that accused is a well-connected person and, therefore can arrange a surety. He should not be released without surety.
4. In rebuttal Ld. Counsel stated that the applicant is only seeking temporary indulgence and that the surety shall be furnished as soon as lockdown (on account of Corona Virus spread) is called off.
5. Heard. Considered. The applicant is seeking a temporary waiver from furnishing surety. Ld. Prosecutor himself submitted that the applicant has roots in society; though to assert his argument that he can arrange the surety; which, however, cannot be done on account of restrictions put on the free movements. The merit of the case cannot be considered at this stage since the bail has already been granted by the competent court. In so far as argument of Ld. PP that the bail might not be granted in the other case, is concerned; the applicant in such situation

will not be released from the custody. In so far as relaxation by this order is concerned, it shall be operative only till the time of lockdown and will become ineffective if the applicant stays in custody in the said matter beyond the period of lockdown.

- 6. In view of above discussion the applicant has already been granted bail on furnishing of personal bond in sum of Rs. 2,00,000/ with one surety in like amount (vide order dated 13-03-2019. He is directed to be released on furnishing of personal bond of Rs 2,00,000/ in this matter. All the other conditions of bail shall remain effective. The order shall be in force only till the time of lockdown. The applicant shall furnish surety bond in terms of bail order dated 13-03-2019 immediately on the reopening of the court. He thus be released in this matter on personal bond, if not required in any other case.**
7. A copy of this order is being mailed to Sh Anil Kumar on his email id [ak1655@gmail.com](mailto:ak1655@gmail.com) for further action. The order shall be communicated by Sh Anil Kumar to the Ld. Counsel for the applicant; Ld. Prosecutor and shall be sent to the Jail authorities as per the procedure being adopted in this regard. A copy of the order shall also be retained on record to be put in the judicial file as and when normalcy is restored.

Dated 01-04-2020

Anuradha Shukla Bhardwaj  
Special Judge PC Act  
RADC New Delhi