

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: July 14, 2010

Decided on: July 16, 2010

+ **BAIL APPLIATION NO.1060 & CRL.M.A. No.7907/2010**

VIJENDER SINGH

....PETITIONER

Through: Mr. D.C. Mathur, Sr. Advocate with
Mr. Rahul Tyagi, Advocate & Mr. Atul
Guleria, Advocate

Versus

C.B.I.

.....RESPONDENT

Through: Ms. Sonia Mathur, Advocate with Mr.
Sushil Dubey, Advocate

WITH

BAIL APPLIATION NO.1063/2010

SUROJIT SAMANTA

....PETITIONER

Through: Mr. K.T.S. Tulsi, Sr. Advocate with
Mr. Anup Bhagai, Advocate with
Mr. Ruchi Kapur, Advocate

Versus

STATE(THROUGH CBI)

.....RESPONDENT

Through: Ms. Sonia Mathur, Advocate with Mr.
Sushil K. Dubey, Advocate

WITH

BAIL APPLIATION NO.1064/2010

V.N. SINGH

....PETITIONER

Through: Mr. Ajay Burman, Advocate with
Mr. Rajesh Samanotra, Advocate

Versus

STATE(THROUGH CBI)

.....RESPONDENT

Through: Ms. Sonia Mathur, Advocate with Mr.
Sushil K. Dubey, Advocate

WITH

BAIL APPLIATION NO.1070/2010

M.P. DIXIT

....PETITIONER

Through: Mr. Yudhishtar Karol, Advocate with
Ms. Naina Kejriwal, Advocate

Versus

CBI

.....RESPONDENT

Through: Ms. Sonia Mathur, Advocate with Mr.
Sushil K. Dubey, Advocate

AND

BAIL APPLIATION NO.1128/2010

SANJAY SINGH

....PETITIONER

Through: Mr. Kailash Vasudev, Sr. Advocate with
Mr. Pramod Kr. Dubey, Advocate & Mr.
Kunal Sood, Advocate

Versus

CBI

.....RESPONDENT

Through: Ms. Sonia Mathur, Advocate with Mr.
Sushil K. Dubey, Advocate

CORAM:

HON'BLE MR. JUSTICE AJIT BHARIHOKE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not ?
3. Whether the judgment should be reported in Digest ?

AJIT BHARIHOKE, J.

By this order, I propose to dispose of the above referred bail petitions.

Briefly stated, the facts relevant for disposal of above referred bail petitions are that the case RC No. 2(A)/2010/CBI/ACU II/ND was registered on the information that M.P.Dixit, Chairman-cum-Managing Director, South Eastern Coalfields Limited (SECL), a public sector undertaking of Government of India, has demanded and agreed to accept an amount of Rs. 1 Crore for showing favour to one Vijender Singh of M/s. Bedford Group of Companies, which are having contracts with SECL, Bilaspur and the said Vijender Singh has agreed to pay the demanded amount to a person nominated by M.P.Dixit at Delhi. This amount was to be paid as a motive or reward for showing favour to Vijender Singh or the companies represented by him having dealings with the SECL. It is alleged that for the purpose of receiving the illegal gratification, accused M.P.Dixit contacted Surojit Samanta of M/s. S.K.Samanta & Company to depute his employee V.N.Singh to collect the money from some unidentified person. For this purpose, accused M.P.Dixit obtained mobile No. 965419606 of accused V.N.Singh from accused Surojit Samanta and told him that some person identifying himself as Vikram would contact accused V.N.Singh on his mobile number. It is further alleged that the accused Vijender Singh contacted V.N.Singh and identified himself as Vikram and informed him that a person would contact him in the evening of 25.5.2010 in Saket area to deliver the money. It is alleged that pursuant to the said criminal conspiracy, accused Sanjay Singh carried Rs. 80 Lakhs against the demanded amount to a place near A.P.J. School, Saket in the evening

of 25.5.2010. The raiding party was waiting for the passing of money. Accused V.N.Singh, after collecting the money, managed to escape but accused Sanjay Singh was apprehended at the spot. Accused V.N.Singh was arrested in the evening of 26.5.2010 and cash of Rs.80 Lakhs was recovered. Accused M.P.Dixit and accused Vijender Singh were arrested at Bilaspur and accused S.K.Samanta was arrested at New Delhi.

During interrogation, accused Vijender Singh disclosed that Ram Avtar Aggarwal and Bajrang Aggarwal, partners of M/s. Maruti Clean Coal Beneficiations (P) Limited, Bilaspur had asked him to arrange their meeting with M.P.Dixit and in the said meeting, they offered to pay a bribe of Rs. 1 Crore to M.P.Dixit for helping in allotment of a rail-road siding to them for loading of coal. Accused Sanjay Singh disclosed that he is an employee of M/s. Bombay Talkies and is the Manager of the said firm. Sh. Navin Sharma and Sh. Vinod Bahl, employees of Bajrang Aggarwal and Ram Avtar Aggarwal had given him Rs.80 Lakhs with the direction to deliver said money to one Vikram.

Shri D.C. Mathur, Sr. Advocate appearing for the accused Vijender Singh in Bail Application No.1060/2010, Shri K.T. S. Tulsi, Sr. Advocate appearing for the accused Surojit Samanta in Bail Application No.1063/2010, Shri Kailash Vasudev, Sr. Advocate appearing for the accused Sanjay Singh in Bail Application No.1128/2010 and Shri Ajay Burman, Advocate appearing for the accused V.N. Singh in Bail

Application No.1064/2010 have argued on similar lines. It is submitted on behalf of above referred accused persons that they are not public servants and none of them is either the bribe giver or bribe taker. Learned counsels pointed out that as per the case of the prosecution, the alleged bribe was meant for accused M.P. Dixit, Managing Director-cum-Chairperson of SECL, a public sector undertaking and the bribe was allegedly given on behalf of the partners of Maruti Coal Clean Beneficiations (P) Ltd. The role ascribed to the above referred accused persons is that they participated and facilitated passing of money from the bribe givers meant for delivering to Shri M.P. Dixit. It is submitted that the above referred accused persons have been in custody for more than 50 days and their presence is no more required for the purpose of investigation, as such no purpose shall be served by keeping them in custody during the investigation and trial of this case. It is also argued that the only evidence collected so far against the accused persons is their disclosure statements, which are inadmissible in evidence, being the confessional statements made to the police.

Shri Yudhishtar Karol appearing for the accused M.P. Dixit in Bail Application No.1070/2010 has submitted that the entire case of the prosecution is based upon suspicion and the disclosure statements made by the accused persons which are inadmissible in evidence. He submitted that as per the case of the prosecution, the money transaction took place on 25.05.2010 at Saket, New Delhi, whereas M.P. Dixit was not even present in Delhi on the relevant day. Thus, it

is argued that the prosecution has not been able to link the aforesaid money with M.P. Dixit, as such he is entitled to bail. It is further submitted that accused M.P. Dixit is in custody for the last more than 50 days and his presence is no more required for the purpose of investigation. Thus, he is entitled to bail "as bail not jail" is the general rule. Learned counsel also submitted that M.P. Dixit has roots in the society and there is no possibility of his absconding or tampering with the evidence.

Ms. Sonia Mathur, Advocate for the CBI has vehemently opposed the bail applications. She submitted that there is sufficient evidence on record to prima facie show the involvement of the five accused persons in the crime. There are transcripts of the telephone conversations between the respective accused persons which clearly show that the bribe was actually demanded by the accused M.P. Dixit and the money seized at Delhi was actually meant for payment of illegal gratification to the accused M.P. Dixit for showing favours by abuse of his official position.

I have considered the rival contentions. The applicant accused persons have been arrested for having committed the offence under Section 120B IPC as well as Sections 7 and 12 of the Prevention of Corruption Act for which offences, the maximum punishment is up to 5 years imprisonment, besides fine. Accused persons were arrested on 25.05.2010 and 26.05.2010, meaning thereby they are in custody for

the last more than 50 days. As per the case of the prosecution, the bribe money has been recovered. Accused persons have already been remanded to judicial custody, which implies that their presence is no longer required for the purpose of investigation. During the course of argument, it was submitted on behalf of the accused persons that the charge sheet is not likely to be filed within 60 days and in that eventuality the accused persons shall become entitled to release on bail in view of the proviso to Section 167(2) Cr.P.C. The Investigating Officer, when asked if there was any likelihood of filing of charge sheet before the expiry of 60 days, fairly admitted that charge sheet is not likely to be filed within 60 days of the arrest of the accused persons as sufficient background investigation is yet to be conducted.

Keeping in view the aforesaid circumstances and the nature of the offence, without going into the veracity of the evidence collected so far, I find no purpose in keeping the accused persons in detention during the investigation and trial of this case. I accordingly direct the respective accused persons to be released on bail on their furnishing personal bond in the sum of Rs.50,000/- each with one surety in the like amount to the satisfaction of the trial court, subject to the condition that the accused persons shall join the investigation as and when required and they shall not leave the country without the permission of the court.

Bail Applications are disposed of accordingly.

Copy of the order be given Dasti.

(AJIT BHARIHOKE)
JUDGE

July 16, 2010
akb/pst