

Court No. - 78

Case :- APPLICATION U/S 482 No. - 39136 of 2023

Applicant :- Sachin Dutta

Opposite Party :- C.B.I.

Counsel for Applicant :- Vijit Saxena

Counsel for Opposite Party :- Sanjay Kumar Yadav

Hon'ble Raj Beer Singh,J.

1. Heard Sri Vijit Saxena, learned counsel for the applicant, Sri Gyan Prakash, learned Senior Advocate, assisted by Sri Sanjay Kumar Yadav, learned counsel for the CBI and perused material on record.

2. This application u/s 482 Cr.P.C. has been filed with the following prayer:-

"It is, therefore, most respectfully prayed that this Hon'ble High Court in the interest of justice and in the light of Hon'ble Apex Court's order passed in Hani Nishad @ Mohammad Imran @ Vikky v. The State of Uttar Pradesh passed in SLP (Crl.) No.(s) 8914-8195/20, the present Hon'ble Court may kindly pass an order for considering the two sureties namely Nitin Mittal, s/o Vijay Kumar Mittal and Manoj Tyagi, s/o Surendra furnished on behalf of Sachin Dutta (applicant) to be common for all the other cases/charge-sheets arising out of furnished in the present case no.- FIR RC No. 2192017E0017, under sections 120B read with Section 420, 467, 468 and 471 IPC and sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, P.S. CBI/EO-1, District New Delhi, pending in the court of Special Judge CBI, Ghaziabad.

And/or any other order or direction which this Hon'ble Court may deem fit and proper in the fact of the case"

3. Learned counsel for the applicant submits that in this matter, applicant was granted bail by the trial court vide order dated 11.07.2023 with certain conditions, including the condition of furnishing a personal bond of Rs. 2,50,000/- with two sureties of the like amount. It was pointed out that total 23 cases have been registered against the applicant regarding connected matters and that in some of the said cases, including aforementioned case, applicant has already submitted sureties

but he is unable to arrange sureties in other cases. It was submitted that in view of the law laid down by the Hon'ble Apex Court in the case of **Hani Nishad @ Mohammad Imran @ Vikky v. State of Uttar Pradesh**, 2018 LawSuit (SC) 1637, applicant may be exempted from furnishing sureties and that the surety bond of Nitin Mittal and Manoj Tyagi, submitted in FIR RC No. 2192017E0017, may be considered as sureties for all the connected cases.

4. Sri Gyan Prakash, learned Senior Advocate, assisted by Sri Sanjay Kumar Yadav, learned counsel for the CBI has opposed the application and submitted that in the instant matter, applicant has already submitted his personal bond and two sureties and thus in other cases he may raise all his pleas before the trial court itself.

5. In view of the aforesaid, after considering the submissions of learned counsel for the parties and facts of the matter, the instant application u/s 482 CrPC is finally disposed of with direction that in case, applicant moves an application before the trial court regarding the aforesaid plea, the same shall be considered and decided expeditiously in accordance with settled law.

6. The instant application under Section 482 Cr.P.C. is **disposed of** accordingly.

Order Date :- 26.10.2023

Anand