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

+ **BAIL APPLN. 1154/2017**

SUKESH CHANDRASHEKAR

..... Petitioner

Through

Ms. M. Theepa and Mr. A.K.Pandey,
Advocates

versus

STATE

..... Respondent

Through

Mr. Mukesh Kumar, APP for State
with ACP Sanjay Sehrawat, ISC,
Crime Branch

CORAM:

JUSTICE S.MURALIDHAR

ORDER

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14.06.2017

Crl.M.A.No. 9989/2017 (Exemption)

1. Allowed, subject to all just exceptions.

Bail Appln. No. 1154/2017

2. This is an application for regular bail in FIR No. 56/2017 under Sections 170/120 B/201/467/471/474 IPC read with Section 8 of the Prevention of Corruption Act, 1988 registered at P.S. Crime Branch.

3. The case of the prosecution is that the information was received at about 11.30 pm on 15th April 2017 that the Petitioner, a resident of Bengaluru, along with one associate had checked into Hyatt Hotel Regency New Delhi and was staying in room No. 263. The Petitioner is stated to have been in constant touch with Mr. TTV Dhinakaran, AIADMK (Sasikala Faction) Deputy General Secretary regarding a pending matter before the Election

Commission of India (ECI) for a dispute over the party symbol.

4. Acting on the information, a raid was conducted at Hotel Hyatt Regency. The Petitioner was apprehended with cash of Rs.1.30 crores. According to the prosecution, during interrogation, it was revealed that a conspiracy was hatched by Mr. Dhinakaran and other accused persons to obtain a favourable order from the ECI regarding their pending petition for the two leaves election symbol.

5. The Petitioner's application for bail was first rejected by the learned Special Judge-07 on 21st May, 2017 and again on 9th June, 2017. In between the said two dates an order granting regular bail to Mr. Dhinakaran was passed by the Special Judge on 1st June, 2017.

6. Ms. Theepa, learned counsel for the Petitioner, stated that the Petitioner has been in custody since 16th April, 2017 (although according to the prosecution he was arrested on 17th April, 2017). She submitted that the Petitioner was not the beneficiary of the conspiracy. All the documents required for investigation were already with the prosecution and there was no need for further continued judicial custody of the Petitioner. The principal ground urged, however, was of parity with Mr. Dhinakaran who has main accused. It is submitted that with Mr. Dhinakaran having been granted regular bail, there was justification in denying a similar relief to the Petitioner.

7. The grant of bail has been opposed by the Mr Mukesh Kumar, learned APP for the State. A status report has been handed over in the Court by Him.

It has been signed by Mr. Sanjay Sehrawat, ACP/ISC/Crime, Chanakya Puri, New Delhi. *Inter alia* in the said status report, it is mentioned that investigation of the case is at a very crucial stage. A few persons from Chennai are yet to be interrogated and their role is yet to be ascertained. The investigation in respect of the role of the ECI officials is in progress. It is also stated that the Mercedes car which was recovered from the Petitioner had a sticker of Member of Parliament (MP) on both number plates. It appears that the Petitioner got a sticker fixed on the car after showing his Rajya Sabha I-Card. The said I-card of the MP of Rajya Sabha recovered from the Petitioner was verified by the Rajya Sabha Secretariat to be fake card. Learned APP pointed out that the Petitioner was a habitual offender and that there were as many as 21 cases pending against him in various courts in the country.

8. The learned APP stated that after the report was received from the Rajya Sabha Secretariat, Section 471 IPC has been added as an offence. He submitted that the Petitioner was an influential person who could easily influence the witnesses and hamper the investigation.

9. Learned counsel for the Petitioner relied on a judgment of the Madhya Pradesh High Court passed on 7th August, 2015 in CRR 839/2014 (*Satish Kumar Rai v. The State of Madhya Pradesh*) to urge that the I-card of the MP of Rajya Sabha was not 'a valuable security' and, therefore, Section 471 IPC is not attracted. She further submitted that the Petitioner had not committed any offence using the colour of office' of an MP. She further submitted that merely because 21 cases were pending against the Petitioner

elsewhere it should not be a ground to deny him bail in this particular case.

10. Having considered the above submissions, the Court is of the view that no case is made out by the Petitioner at this stage for grant of regular bail. The claim of the Petitioner for parity with Mr. Dhinakaran overlooks the fact that there are additional factors in the Petitioner's case that distinguish it from that of Mr Dhinakaran. One of the key points of difference is that the Petitioner was in fact found in possession of a fake Rajya Sabha MP I-card and on that basis managed to get stickers on both number plates of the car recovered from him. Whether and to what extent he took advantage of the fake I Card and stickers holding himself out as a Rajya Sabha MP when in fact he was not will be known only when the investigation is complete.

11. The contention that the fake I-card of MP of Rajya Sabha is not 'valuable security' requires to be rejected straightway. Considering the easy access that a holder of such fake I-card of a Rajya Sabha MP can have to establishments, including Parliament, the use of such fake I-cards is an extremely serious security risk.

12. The other distinguishing factor, which is unable to be disputed by the Petitioner, is that he has at least 21 cases pending against him all over the country.

13. The full facts regarding the above factors and the bearing these have on the case under investigation are yet to emerge. The investigation as far as the Petitioner's role in the case is concerned is stated to be at a crucial stage. It is not concluded. These are factors other than the obvious seriousness of the

offences in the present case. The possibility of the Petitioner seeking to influence the course of investigation if enlarged on bail at this stage cannot be ruled out.

14. For all the above reasons, the Court is satisfied that this is not a stage at which the Petitioner's application for regular bail can be considered. The application is accordingly dismissed.

15. It is clarified that the observations in this order are of a *prima facie* nature based on the materials available and which are yet to be tested. This order is not intended to influence any of the orders that may be passed by any competent Court at the further stages of the case.

S.MURALIDHAR, J.
(Vacation Judge)

JUNE 14, 2017
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