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

% **Decided on: 10th October, 2018**

+ **BAIL APPLN. 2084/2018**

SUKASH @ SUKESH CHANDRASHEKAR ... Petitioner

Represented by: Mr.Chetan Sharma, Senior Advocate
with Ms.Kaadambari Puri,
Mr.Mayank Tripathi and Mr.Amit
Gupta, Advocates

versus

STATE

.. Respondent

Represented by: Ms.Rajni Gupta, APP for the State
with ACP /ISC Jasbir Singh,
Insp.Ritesh and SI Dheeraj, PS Crime
Branch

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J. (ORAL)

1. By this petition the petitioner seeks bail in case FIR No.56/2017 under Sections 467/468/471/474/170/120B/201 IPC and Section 8 of the Prevention of Corruption Act, 1988 registered at PS Crime Branch.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 16th April, 2017 i.e. for a period of 18 months. No further recovery is to be made from the petitioner. The petitioner was granted custody parole for a period of more than 50 days while his wife was unwell which concession he did not misuse. Charge-sheets in all the cases against the petitioner have been filed and the trials therein will take substantial time.

Petitioner is at best the middle man and the beneficiary of the transaction has already been granted bail. Medical condition of the petitioner's wife is serious and thus he is required to be with her for medical assistance. The offences alleged against the petitioner would at best be punishable up to 5-7 years imprisonment and the petitioner cannot be kept in custody indefinitely. Reliance is placed on the decisions reported as (1997) 4 SCC 308 State of Rajasthan, Jaipur Vs. Balchand Alias Baliay and (2012) 1 SCC 40 Sanjay Chandra Vs. Central Bureau of Investigation, ILR (2012) II Delhi 630 Suresh Kalmadi Vs. CBI and 2010 SCC OnLine Del 2155 H.B.Chaturvedi Vs. C.B.I.

3. Learned APP for the State opposing the bail application submits that the petitioner is involved in a serious offence and after the recovery of ₹1.30 crores from the raid conducted at the room of the petitioner when the petitioner was taken into custody, recoveries of identity cards/credit cards, cards of being a Member of Parliament (Rajya Sabha) which was fake, were recovered. The card showing identity as a Member of Parliament would have entailed the petitioner to access Parliament precinct and Railway Pass besides other facilities. Even the Indian Youth Congress Identity Card which the petitioner had submitted for checking-in the hotel was found to be forged. The Mercedes car recovered was also affixed with the sticker of Member of Parliament. Further, after the arrest the petitioner impersonated himself as the Judge of the Hon'ble Supreme Court and tried to influence the learned ACMM on which FIR No.100/2017 under Sections 170/189/507/34 IPC was registered at PS Subzi Mandi. Thereafter, the petitioner impersonated himself as PS to Shri Ravi Shankar Prasad, Cabinet Minister for Law & Justice for getting favours in Tihar Jail for which FIR

No.166/2017 under Sections 170/419/120B IPC was registered at PS Crime Branch. The petitioner was also providing undue favours to the police escort team which had taken him to Bengaluru, Coimbatore and Mumbai. As many as 24 cases are pending against the petitioner all over the country. Hence, seeing the seriousness of the offences, propensity of the petitioner to commit offences and his conduct showing that he is likely to hamper the trial, no bail should be granted to him.

4. Above-noted FIR was registered after a secret information was received on 15th April, 2017 at 11.30 p.m. that one person namely Sukash @ Suresh Chandrashekhar, a resident of Bengaluru, along with his associate has checked-in to Hyatt Hotel Regency, New Delhi and staying in room No.263. The said person was in constant touch with TTV Dhinakaran, AIADMK Deputy General Secretary regarding the matter pending before the Election Commission of India with regard to the dispute of the party symbol. On a raid being conducted, from the room of the petitioner, ₹1.30 crores were recovered. It was revealed that a conspiracy had been hatched to get favourable order in the matter pending before the Election Commission of India for two leaf symbol and the petitioner through his advocate showed that he had very good links in Election Commission of India and the Law Ministry and could get the work done. As TTV Dhinakaran was desperate to get the leaf and the two leaf symbol, he agreed to pay a sum of ₹50 crores in return of a favourable order and the token money of ₹2 crores was sent from Chennai to Delhi for this purpose.

5. During further investigation, identity cards, credit cards and other cards were recovered including an identity card of Member of Parliament bearing the photo of the petitioner, which on verification was found to be

forged. Further, the other identity cards and stickers of MP affixed on the Mercedes car found parked in the parking were also found to be fake. The investigating agency also seized a CD of recorded conversation between TTV Dhinakaran and Sukesh Chandrashekhar relating to the transaction.

6. Besides the facts revealed in the investigation as noted above the conduct of the petitioner not only required registration of various FIRs against him for various criminal offences but also amounts to impeding the course of justice and interference therein. As noted in the submissions of learned APP for the State, FIR No.100/2017 has been registered at PS Subzi Mandi wherein the petitioner was trying to influence the learned ACMM by impersonating as a Hon'ble Judge of the Supreme Court and FIR No.166/2017 has been registered at Crime Branch when the petitioner was impersonating as the PS to the Cabinet Minister for the Ministry of Law & Justice seeking favours at Tihar Jail. Further, in FIR No.186/2017 registered at PS Crime Branch, the allegations are that when the petitioner was taken for investigation to Bengaluru, Coimbatore and Mumbai, he took the police escort staff by air which was not permissible and thereafter, the petitioner was seen moving around in a Mall which was also impermissible.

7. Learned counsel for the petitioner has relied upon the decision of the Supreme Court in Balchand Alias Baliay (supra) wherein the Supreme Court cautioned that the basic rule is grant of bail except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like. From the conduct of the petitioner as noted above, his chances of fleeing from justice, thwarting the course of justice, creating other troubles in the shape of repeating offences or

hampering the trial by intimidating witnesses or interfering in the due process of law are high. As many as 24 cases are pending against the petitioner, which are of similar nature. Thus, even if TTV Dhinakaran has been granted bail, in view of the conduct of the petitioner, which clearly shows that if released on bail the petitioner is likely to interfere and hamper the trial, this Court does not find it to be a fit case for grant of bail to the petitioner.

8. Petition is dismissed.

(MUKTA GUPTA)
JUDGE

OCTOBER 10, 2018
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