

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

% Reserved on: 9th January, 2018
Decided on: 11th January, 2018

+ **BAIL APPLN. 1550/2017**

SUKESH CHANDRASHEKAR ... Petitioner

Represented by: Mr.Sudhir Nandrajog,
Sr.Advocate with
Ms.M.Theepa, Mr.A.K.Pandey
and Ms.Karishma, Advocates

versus

STATE ... Respondent

Represented by: Mr.Hirein Sharma, APP with
Mr.Sanjay Sehrawat,
Addl.DCP, Shahdara and
Mr.Jasbir Singh, ACP,
ISC/Crime Branch

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

1. By this petition, the petitioner seeks regular bail in case FIR No.56/2017 registered under Sections 170 and 120B IPC read with Section 8 of the Prevention of Corruption Act, 1988 (in short 'PC Act') wherein later on Sections 467/468/471/474/201 IPC were added later on.

2. Learned counsel for the petitioner contends that at best the case of the prosecution is that the petitioner acted in conspiracy with the main accused TTV Dinakaran to obtain a favourable order from the Election Commission of India (in short ECI) with respect to 2 leaves election symbol. It is contended that the main accused TTV Dinakaran has already been released on bail on 1st June, 2017 by the learned Sessions Court, however the petitioner is in custody and be granted bail on parity. The offences under Section 8 of the PC Act would at best be punishable for a sentence of

imprisonment for a period of five years and the petitioner being in custody for nearly 9 months, he be released on bail. The petitioner has been made scapegoat. Though search was conducted on the 16th April, 2014 at the room stated to be in occupations of the petitioner at Hotel Hyatt Regency, R.K. Puram and ₹1.35 crores recovered besides the Mercedes Benz Car, it is the case of the prosecution itself that on 17th April, 2014 the room was again opened and a business card was recovered noting that the petitioner was a Rajya Sabha member. The said business card has been planted. Sections 467/468/471/474/201 IPC were added only on the basis of these planted recoveries. In any case the petitioner is no more required for investigation and thus be released on bail.

3. Opposing the bail application learned APP for the State besides referring to the allegations against the petitioner states that after the arrest the petitioner has been involved in three other FIRs, in two cases he was found impersonating as a Judge of the Hon'ble Supreme Court and as PS to the Minister of Law and Justice and in the third case he while being taken to be produced in other Courts it was found that he took all the Police Escort officers with him by flight though neither the petitioner nor they were entitled to go by air.

4. In the above-noted FIR it is alleged that on 15th April, 2017 an information was received that one person namely Sukash @ Sukesh Chandrashekar, resident of Bengaluru along with one associate has checked into Hotel Hyatt Regency and was staying in room No.263. Sukesh was stated to be in constant touch with TTV Dinakaran, AIADMK Deputy General Secretary (Sasikala faction) regarding a pending matter before the Election Commission of India for dispute over party symbol. Acting on the

information a raid was conducted and petitioner was apprehended with ₹1.30 crores in his room No.263.

5. During the course of investigation petitioner disclosed that TTV Dinakaran was desperate to acquire the legacy of Jayalalitha, former CM of Tamilnadu and get favourable order from Election Commission of India for two leaves election symbol. Thus he was searching for a suitable person to get the task done by any means and was ready to pay crores of rupees. TTV Dinakaran came in contact with Sukesh through his Advocate B. Kumar. Sukesh assured TTV Dinakaran about his good contact in the Election Commission of India and Union Law Ministry and assured that his work would be done and the matter pending adjudication for two leaves election symbol will be resolved in his favour. Sukesh was assured a sum of ₹50 crores in return for a favourable order. Accordingly ₹2 crores were sent from Chennai to Delhi and Sukesh received the same in two equal installments from Naresh Singh and Lalit Kumar.

6. During the course of investigation identity cards, credit cards and other membership cards including a Member of Parliament (Rajya Sabha) identity card bearing photo of the petitioner being used to access to Parliament precincts were recovered from him which were found to be fake on verification. The sticker on the petitioner's car also was of Member of Parliament. After arrest of the petitioner charge-sheet was filed against him on 14th July, 2017.

7. Though the petitioner is required to be released on bail on parity but for his conduct post arrest in custody which shows that he can influence the witnesses as during the pendency of investigation and trial, 3 FIRs have been registered against the petitioner. The first FIR being FIR No. 100/2017

was registered under Sections 170/189/507 IPC at PS Subzi Mandi on the complaint of Special Judge, Ms. Poonam Chaudhary who complained that on the landline phone she received a phone call on 28th April, 2017 wherein a person was posing as a Hon'ble sitting Judge of the Supreme Court of India and told the Special Judge to grant bail to the accused which was to be heard on the same day. As per the records, the petitioner was produced before the learned Special Judge on the said date on remand and it has been found that the petitioner used the mobile phone of the Constable in whose custody he was to make the phone call on the landline of the Special Judge. The second complaint was dated 7th August, 2017 alleging that a call was made from the mobile phone to the control room of the Battalion wherein the caller identified himself as Sarvana Kumar, IAS working as PS to Hon'ble Minister of Law and Justice and required the staff to extend favour to Sukesh Chandrashekar. Though it is not the case of the prosecution that the phone call was made by the petitioner but the petitioner was the beneficiary of the call. In the third FIR registered on 21st October, 2017 under Sections 7, 12, 13 PC Act and 120B IPC by the Crime Branch on the complaint of ACP/III Battalion it was found that the petitioner extended undue favours and facility to the Police Escorting staff while the petitioner was being taken to Bangalore, Coimbatore and Mumbai to be produced before the concerned Courts. Not only the Police Escorting team along with the petitioner availed travel by air facilities during the custody, he was found to be freely moving around in a Mall as evident from the CCTV footage.

8. Considering the conduct of the petitioner and that there is every apprehension of his tampering with the evidence, if released on bail, this Court finds no ground to grant bail to the petitioner.

9. Petition is dismissed.

(MUKTA GUPTA)
JUDGE

JANUARY 11, 2018
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