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

\+ **<u>BAIL APPLN. 2668/2018 & Crl. M.A. No.35950/2018</u>**

MANOJ PRASAD ..... Petitioner

Through: Mr. Sidharth Luthra, Sr. Advocate with Mr. Sunil Sethi, Ms. Seema Seth, Mr. Kumar Vaibav & Ms. Ayushi Sharma, Advocates

Versus

CENTRAL BUREAU OF INVESTIGATION ..... Respondent

Through: Mr. Vikramjeet Banerjee, ASG & Ms. Rajdipa Behura, SPP for CBI with Mr. Satish Dagar, SP, CBI.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

<u>O R D E R</u>

% **13.11.2018**

The petitioner seeks bail. He is in judicial custody since 16.10.2018. In the present case he is accused of having demanded monies from the complainant, namely, Satish Babu Sana, a resident of Hyderabad in lieu of a promise to settle an on-going investigation by the Central Bureau of Investigation in another pending case being RC No. 1(A)/2017/AC-VI/SIT. The complainant is also one of the persons mentioned in the present investigation. The appellant is stated to have accepted approximately Rs. 2.95 crores against a total demand of Rs. 5 crores. His co-accused Mr. Devender Kumar, a government official, who was earlier taken into custody, has been subsequently granted bail on 31.10.2018.

The learned senior counsel for the petitioner submits that the petitioner too, being in similar circumstances be granted bail, since nothing incriminating has been found against him and he has been in custody for the past 30 days and he is neither required nor has he been called for any further investigation. It is the petitioner's case that there is no likelihood of his interfering in the investigation in any manner because the complainant enjoys protection by virtue of the order of the Supreme Court dated 30.10.2018. The learned Senior Advocate further contends that the RC was initially registered under the provisions of the Prevention of Corruption Act, 1988, however, subsequently, provisions of the Indian Penal Code were invoked to enlarge the ambit of the case.

The plea for bail is opposed by the respondent/CBI. The learned Additional Solicitor General for India submits that the investigation is on-going and is at a crucial stage. The nature of the investigation and the ramifications of the case are rather far reaching, therefore, looking at the sensitivity of the matter, bail ought not to be granted. The learned ASG further submits that the petitioner has substantial business interest outside the country and does travel outside India frequently.

The Court is of the view that there is no bar to the investigating agency invoking other provisions of law as well, if subsequent discoveries or facts of the investigation so warrant. According to the investigation thus far, it is the case of the CBI that the petitioner has indulged in extortion under section 383 of the Indian Panel Code, 1860. It is alleged that after being given an amount of Rs.1 crore by the complainant of the total amount of Rs. 5 crores as demanded by the petitioner; the petitioner had given out signals or otherwise communicated to the complainant that the remaining monies too be paid up quickly, else he would continue to receive calls for joining investigations in the other investigation (as referred to in para 1 hereinabove). An amount of Rs.1 crore was paid earlier to the petitioner at his office in Dubai. It is alleged that the complainant had received further notices from the IO of the other cases to join investigation at Delhi and when the complainant did so he was allegedly told that notices were being issued for his appearance before the I.O. since there was non-payment of the balance amount. It is alleged that the monies were thus extorted from the complainant by the petitioner and other persons involved in the entire extortion. Hence, all involved would be covered under the term extortion under section 383 of the IPC. The allegations made against the petitioner are specific and through him other persons are stated to have benefitted by illegal gratification.

The court is of the view that the case is of a sensitive nature. Its investigation is at a crucial stage and it has wide ramifications. The offences alleged are serious, allegedly involving government officials as well. The petitioner's case cannot be compared with that of Devender Kumar, who has been granted bail. The role of the two persons are allegedly different. The petitioner is said inter alia to have spoken to the accused; promised him favours in an ongoing investigation by the CBI in lieu of monies /illegal gratification and extortion. The monies are alleged to have been accepted by the petitioner both outside India as well as inside the country.

In view of the above, the Court is not inclined to grant bail to the petitioner.

The petition is dismissed.

NAJMI WAZIRI, J.

NOVEMBER 13, 2018/rd