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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.1235 OF 2019

Abhinav Singh	...Applicant
Versus	
Central Bureau of Investigation and Anr.	...Respondents

Mr.Dinesh Tiwari i/b Dinesh Tiwari and Associates, for the Applicant.

Ms.Rebecca Gonsalves, for the Respondent No.1 - CBI.

Mr.V.V.Gangurde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 17th JUNE, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with R.C.No.06/E/1999 investigated by the Respondent No.1 – C.B.I., for the alleged offences punishable under Sections 420, 467, 468, 471 r/w 120B of the Indian Penal Code and under Sections 13(2) r/w 13(1)(d) of the Prevention of Corruption Act.

3. Learned Counsel for the applicant submits that there is no material to connect the applicant with the alleged offences. He submitted that because of the pressure of the superiors, the applicant moved to Mathura, Uttar Pradesh, and as such was not absconding.

4. Learned Counsel for the Respondent No.1 - CBI, submits that although the case was registered in September 1999, the applicant was absconding for about 20 years. She submitted that as the applicant was absconding, proclamation was issued and it is only in March 2019, that the applicant was arrested and after investigation, supplementary charge-sheet was filed as against him on 30th May, 2019. She submitted that during the said period, the applicant was working as an Associate Professor in the General Medicine Department of K.D. Medical College, Akbarpur, Chhata, Mathura (Uttar Pradesh), after changing his identity from Abhinav Singh to Dr.Rajeev Gupta. She submitted that the applicant had even changed the names of his children. She submitted that the trial is at its fag end and that if the applicant is enlarged on bail, there is great possibility of the applicant absconding.

5. Perused the papers. It is not in dispute that in September, 1999, the aforesaid case was registered by the Respondent No.1 - C.B.I., as against the applicant and other co-accused. As the applicant was absconding, he could not be arrested, pursuant to which, non-bailable warrant and then proclamation was issued as against him. It also appears that on source information, the officers of the CBI arrested the applicant in the campus of K.D. Medical College, Mathura (Uttar Pradesh), where he was working as Dr.Rajeev Gupta, Associate Professor, General Medical Department, by changing his identity.

6. Learned Counsel for the Applicant does not dispute the fact, that the applicant was working as an Appraising Officer in the Customs Department, in 1999, when the case was registered. During the course of the investigation in 2019, when the applicant was arrested, his identity card was seized, which revealed that he was working in the aforesaid Medical College, by changing his name from Abhinav Singh to Dr.Rajeev Gupta. It appears that the applicant's Degree Certificates and documents are being verified by the CBI. It is not in dispute that the allegations as against the applicant are in the capacity when he was working as an Appraising Officer

in the Customs Department. It is alleged by the prosecution, that the applicant misused and abused his official position by accepting false and forged export documents and shipping bills and also illegal gratification of Rs.5 lakhs. The prosecution has examined 39 witnesses till date and about 4 to 5 witnesses are yet to be examined. Needless, to state that the witnesses which pertain to the applicant will have to be re-examined, since, about 39 witnesses were examined prior to the applicant's arrest.

7. Considering the fact, that the applicant was absconding for about 20 years and that during the said period the applicant changed his identity from Abhinav Singh to Dr.Rajeev Gupta and the fact that trial is at the fag end, it would not be appropriate to enlarge the applicant on bail. The possibility of the applicant absconding, if he is enlarged on bail, also cannot be ruled out.

8. Considering the aforesaid, the application is rejected. However, the trial of the applicant is expedited.

9. Application is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.