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

+ **BAIL APPLN. 3660/2022**

VIVEK BORAR

..... Petitioner

Through: Mr. Vishal Gosain, Mr. Tejasva Mehra, Mr. Chinmay Kanojia, Mr. Anushka Baruah, Advs.

versus

SERIOUS FRAUD INVESTIGATION OFFICE Respondent

Through: Mr. Anil Soni, CGSC with Mr. Devvrat Yadavm, Mr. Arib Ansari, Prosecutor, SFIO with Ms. Shivani Sharma, Mr. Arjun Kohli and Ms. Lkshita Singh, Advs.

+ **BAIL APPLN. 3661/2022**

VIKAS RAJ

..... Petitioner

Through: Mr. Vishal Gosain, Mr. Tejasva Mehra, Mr. Chinmay Kanojia, Mr. Anushka Baruah, Advs.

versus

SERIOUS FRAUD INVESTIGATION OFFICE Respondent

Through: Mr. Anil Soni, CGSC with Mr. Devvrat Yadavm, Mr. Arib Ansari, Prosecutor, SFIO with Ms. Shivani Sharma, Mr. Arjun Kohli and Ms. Lkshita Singh, Advs.

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Date of Decision: 19th July, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

BAIL APPLNs. 3660-61/2022

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J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Learned counsel for the petitioners submits that in the present case, SFIO initiated the investigation in 2016 and the complaint case titled **“Serious Fraud Investigation Office v. Comsic Structures Ltd. & Ors”** bearing CC No. CC/1313/2021 was filed before the learned Additional Sessions Judge- 03, Special Judge (companies Act), Dwarka, New Delhi in the year 2021.
2. Learned counsel for the petitioners submits that the petitioner was never arrested during the course of the investigation. Learned counsel for the petitioners submits that he would be satisfied if a direction is given to the learned Trial Court to consider his application in accordance with the law laid down in *Satender Kumar Antil v. Central Bureau of Investigation* (2022) SCC OnLine SC 825 and *Deepak Jha v. State NCT of Delhi & Anr.* by the Coordinate Bench of this Court in CRL. M.A. 21757/2022 & Bail APPLN. 2633/2022 decided on 06.02.2023.
3. On behalf of SFIO, it has been submitted that the counter affidavit is ready and they shall file the same. It has also been submitted that the present case is very serious in nature and is required to be considered from a different angle. Learned counsel for SFIO further submits that they would be satisfied if the bail application is considered by the learned Trial Court on merits and in accordance with the law.
4. In view of the submissions made by learned counsels for both the

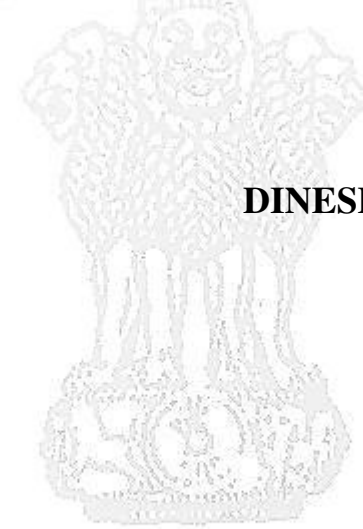


parties, let the application be moved for bail before the learned Trial Court and the learned Trial Court is directed to consider and dispose of the same as per law and the judgments passed by the Hon'ble Supreme Court.

5. With these observations, both bail applications are disposed of. However, no coercive actions shall be taken against the petitioners till the bail applications are decided by the learned Trial Court. It is made clear that this Court has not gone into the merits of the case and both the parties may raise their rival contentions on merits before the learned Trial Court.

DINESH KUMAR SHARMA, J

JULY 19, 2023/Pallavi



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