



\$~21

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

+ **BAIL APPLN. 321/2024**

ANIL PRASHAD JAISWAL

..... Petitioner

Through: Mr. Sunil Dalal, Sr. Adv. with Mr. Piyush Beriwal, Mr. Ankit Raj, Mr. Nikhil Kumar Chaubey, Mr. Navish Bhati and Mr. Akash Chandrayan, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Aman Usman, APP for State with Insp. Kamal Kumar, SI Gulab Singh ISC, Crime Branch Chanakyapuri, New Delhi

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

03.06.2024

1. The present petition has been filed under Section 439 CrPC seeking regular bail in connection with FIR No.0260/2022 under Sections 274/275/276/420/468/471/120B/308/201/34 IPC registered at PS Crime Branch, Chanakyapuri.
2. The case of the prosecution in brief is that on 08.11.2022, the police received information from a secret informer that one person Pabitra Narayan Pradhan has been running a cartel of manufacturing spurious medicines used for curing cancer.
3. On 10/11.11.2022, various raids were conducted and co-accused



persons were arrested and the present FIR was registered. As per disclosure statements and WhatsApp chats of the arrested accused persons the name of the present petitioner also surfaced.

4. Learned senior counsel for the petitioner submits that the petitioner is doctor by profession and is working with the Government of Rajasthan. He is not in any manner connected with the manufacturing or sale of spurious medicines. He submits that recovery of spurious medicines have been made only from the co-accused and not from the present petitioner.

5. He further submits that the petitioner has been arraigned as an accused only on the basis of second disclosure of Dr Pabitra Narayan Pradhan.

6. He submits that one of the allegation against the present petitioner is that he was using a mobile phone which pertains to Republic of Nepal. He submits that there is nothing on record to connect to the petitioner to the said number.

7. He submits that yet another incriminating circumstance against the present petitioner is that he has received an amount of Rs.35 lakhs in his account, which was transferred by him to his brother. Clarifying the said transaction, learned senior counsel for the petitioner submits that the petitioner had raised home loan from the State Bank of India and the credit entry of Rs.35 lakhs in his account pertains to the said home loan and it is the said amount which he had transferred to his brother.

8. He submits that the petitioner had joined investigation on 31.05.2023 at Crime Branch, Chanakyapuri under the direction of court and he was arrested there only after joining investigation and since then he is in custody.

9. He submits that the petitioner was not arraigned as accused in the main chargesheet, but only in the supplementary chargesheet.



10. He invites the attention of the Court to a tabulated chart in para 4 of the petition, to contend that 08 co-accused have already been enlarged on bail either by this Court or the court of Additional Sessions Judge. He submits that there are 92 witnesses cited by the prosecution in the present case and the charge has not been framed till date. He, therefore, urges the Court that the petitioner may be enlarged on bail.

11. *Per contra*, learned APP for the State has argued on the lines of the status report. He submits that there is also petitioner's own disclosure where he has admitted to his involvement and the same forms part of the supplementary chargesheet. He submits that the spurious drugs were being sold through India Mart and the ID created on the said website is connected to the mobile number of the present petitioner. There are also WhatsApp chats between the petitioner and co-accused Pabitra Narayan Pradhan.

12. In rejoinder, learned senior counsel for the petitioner submits that there is no material on record to show that any spurious drugs were sold through India Mart.

13. I have heard the learned counsel for the petitioner, as well as, the learned APP for the State and have perused the material on record.

14. It is not the case of the prosecution that the petitioner was manufacturing the spurious drugs. Further, it is also not the case of the prosecution that any recovery of spurious drugs was made from the present petitioner.

15. Insofar as the credit entry of Rs.35 lakhs is concerned, learned senior counsel for the petitioner has given an explanation for the same which was not disputed by the learned APP for the State. As regards the disclosure statement of the co-accused Pabitra Narayan Pradhan, suffice it to say that the



same is not *per se* admissible. Even the WhatsApp chats only have a corroborative value. Further, it is the case of the prosecution that the petitioner is the batch mate of main accused Pabitra Narayan Pradhan. Therefore, there is nothing unusual about WhatsApp chats between them.

16. It is also not in dispute that the eight co-accused mentioned in the petition have already been enlarged on bail. Besides said eight co-accused, another co-accused Ankit Sharma has also been enlarged on bail by this Court *vide* order dated 21.03.2024 in Bail Appln.4200/2023.

17. The petitioner is also in custody since 31.05.2023 and the custodial interrogation is no more required. That apart, the prosecution has cited as many as 92 witnesses, therefore, the trial is likely to take long time and regard being had to the afore-noted circumstances, it is not warranted to keep the petitioner in custody for an indefinite period to await the outcome of trial which has not yet commenced.

18. The petitioner is stated to be a government employee with the State of Rajasthan, therefore, he is not a flight risk.

19. It is also not the case of the prosecution that the petitioner has any criminal record.

20. Considering the aforesaid circumstances, this Court is of the view that the petitioner is entitled to grant of regular bail. Accordingly, the petitioner is admitted to regular bail subject to his furnishing Personal Bond in the sum of Rs. 25,000/- and a Surety Bond of the like amount, subject to the satisfaction of the learned Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

(a) Petitioner/applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.



(b) Petitioner/applicant shall provide mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the Investigating Officer concerned.

(c) Petitioner/applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with the, witnesses or any family members of the witnesses.

21. It is made clear that the observations made herein above are only for the purpose of considering the bail application and the same shall not be deemed to be an expression of opinion on the merits of the case.

22. The petition stands disposed of.

23. Copy of the order be forwarded to the concerned Jail Superintendent for information and necessary compliance.

24. Order be uploaded on the website of this Court.

25. Order *dasti* under signatures of the Court Master.

**VIKAS MAHAJAN
(VACATION JUDGE)**

**JUNE 3, 2024
MK**