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

+ **BAIL APPLN. 4310/2024 CRL.M.(BAIL) 1967/2024**

ANIL CHAUDHARY

.....Petitioner

Through: Mr. Lalit Kumar, Adv with Mr.
Satender Singh, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Rajesh Kumar, SPP (CBI), Ms.
Mishika Pandita, Mr. Mohd Changez
Ali Khan, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

10.12.2024

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1. This petition has been filed seeking regular bail in FIR dated 11th October 2024 bearing RC0032024A0040 under Section 61 (2) of BNS, 2023 and Section 7 of PC Act 1988. Petitioner was arrested on 11th October 2024.
2. As per the Nominal Roll, petitioner has been in custody for about a month and has no previous involvements.
3. The case of the prosecution is based on a written complaint dated 10th October, 2024 filed by one Mohd. Waseem of Shaheen Bagh. The complainant stated that he was constructing his house when some persons visited his construction site and one of them introduced himself as petitioner from the office of SDM, Lajpat Nagar. He informed that the construction material lying outside the construction site would invite a penalty of Rs.



50,000/- to Rs. 1 lac.

4. Later, the petitioner told the complainant that the matter can be settled for an amount of Rs. 25,000/- and directed him to meet at the SDM office that evening.

5. Since the complainant did not want to give any bribe, somehow, he lodged a handwritten complaint to the CBI.

6. Pursuant to the verification of the complaint, the accused petitioner and co-accused Nitin were caught red handed by demanding and accepting illegal gratification of Rs. 15,000/- from the complainant. This was done in the presence of independent witnesses and they were arrested on 11th October, 2004.

7. The counsel for the CBI states that the investigation is complete and the charge sheet is filed.

8. Counsel for the petitioner submits basis the bail petition, that the petitioner has been falsely implicated merely on the disclosure of co-accused Nitin Kumar, there is no demand or recovery from the petitioner, the petitioner has already been interrogated and there is nothing to be recovered from him, there are material discrepancies in the FIR itself.

9. In these circumstances, there is no purpose keeping the petitioner in custody indefinitely.

10. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, and that there are no previous involvements of the petitioner, this Court finds it to be a fit case for grant of bail to the petitioner.

11. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the



like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all 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 IO concerned.
- vi. Petitioner will mark presence physically before the concerned I.O. every first and third Friday of every month at 4 p.m. and will be not kept waiting for more than an hour.
- vii. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

12. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.



13. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
14. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
15. Copy of the order be given *dasti* under the Signature of the Court Master.
16. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 10, 2024/RK

Click here to check corrigendum, if any