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

+ **BAIL APPLN. 614/2025 & CRL.M.A. 4350/2025**

RAJENDRA PRASAD SHARMA

.....Applicant

Through: Mr. Rahul Sharma, Mr. Ashish Dogra, Mr. Atharv Bhardwaj and Ms. Anchal Jain, Advocates

versus

CBI

.....Respondent

Through: Mr. Atul Gularia, SPP for CBI with Mr. Aryan Rakesh, Mr. Pankaj Kumar and Mr. Satish Kumar, Advocates along with Mr. Santosh Kumar Singh, Inspector for CBI

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **14.02.2025**

1. This bail application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking grant of anticipatory bail in FIR No. RC 0032025-A-0001 registered on 02.01.2025 at P.S. CBI, ACB, New Delhi under Section 7 of the Prevention of Corruption Act, 1988¹ ('PC Act').
2. The matter has been taken up in continuance of the proceedings held on 12.02.2025.
3. Learned SPP has produced for the perusal of this Court a video footage of 02.01.2025 recorded at the P.S. GTB Enclave and the transcript audio conversation between the complainant and the Applicant/accused.

¹ As amended in 2018



4. The said video footage has also been shown to the learned counsel for the Applicant and he has also perused the transcript of the said audio conversation.

Arguments on behalf of the Applicant

5. Learned counsel for the Applicant states that the Applicant has been falsely implicated in this case. He states that in fact the Applicant was under instructions from the office of the LG to investigate the allegations against the complainant for illegally possessing two voter identity cards.

5.1. He states that it was in this background to investigate the allegation that the Applicant interacted with the complainant on 24.12.2024 on the telephone and asked him to visit at P.S. Seemapuri. He states that in this regard, the Applicant had also sent a notice on 31.12.2024 to the complainant for joining the inquiry on 01.01.2025 at 01:00 P.M. He states that however, on 01.01.2025, the complainant came late to P.S. Seemapuri at 05:00 P.M. and was therefore, not interrogated and directed to return on another day.

5.2. He states that the Applicant last reported for duty on 02.01.2025 at P.S. Seemapuri and his shift was over at 02:00 P.M. and thereafter he left the police station.

5.3. He states it was only on 03.01.2025 that the Applicant learnt from his colleagues that the subject FIR has been registered against him by CBI² qua the alleged incident of 02.01.2025. In view of the said lodging of the subject FIR, the Applicant has not reported to duty from 03.01.2025.

5.4. He states that the Applicant has switched off his mobile phone since 02.01.2025 and is therefore not aware if the CBI has sought to contact the

² Central Bureau of Investigation



Applicant for joining the investigation. He states that the Applicant has switched off his mobile phone so that his GPS location cannot be traced by the Respondent/CBI.

5.5. He stated that the authenticity of alleged DVR³s and transcript of conversation between the complainant and the Applicant/accused is a matter of trial.

5.6. He states that Applicant has been serving in the police force for last more than 10 years. He states that the Applicant verily believes that the Applicant has been falsely implicated in this case and he, therefore, seeks anticipatory bail so that he can join the investigation and extend cooperation.

5.7. He states that the Applicant has roots in the society and there is no apprehension that the Applicant would run from justice system.

Arguments on behalf of the Respondent

6. In reply, learned SPP while opposing the present bail application states that this was a trap case and the complainant was sent to meet the Applicant on 02.01.2025.

6.1. He states that the complainant had approached the CBI office on 01.01.2025 and lodged a complaint with respect to the demand of bribe of Rs. 4 lakhs by the Applicant herein for the case pertaining to possession of two voter identity cards by the complainant.

6.2. He states that initially the CBI duly verified the complaint's version by making the complainant speak with the Applicant on the telephone where the audio conversation was recorded and the demand of bribe was confirmed by the Applicant herein. He states that thereafter a verification report was prepared.

³ Digital Video Recorder



6.3. He states that thereafter a trap was set on 02.01.2025, whereby the complainant was made to wear a concealed audio recording device so that the conversation between the complainant and the Applicant could be recorded; and the transaction of handing over and taking over of the bribe would also be recorded.

6.4. He states that on 02.01.2025, the complainant was scheduled to meet the Applicant at P.S. Seemapuri, however, the Applicant called the complainant and directed him to instead meet him at P.S. GTB Enclave. He states that in these circumstances the complainant met with the Applicant/accused at P.S. GTB Enclave. He states that PS: Seemapuri and PS: GTB Enclave are located close to each other.

6.5. He states that the video footage of 02.01.2025 shown to the Court today is of the CCTV camera already installed at P.S. GTB Enclave and in the said video footage, the Applicant is clearly seen interacting with the complainant. In this regard, he also places reliance on the audio transcript which clearly indicates the intention of the Applicant and the complainant to exchange the bribe. He states that this is not a case of false implication as is sought to be alleged by the Applicant.

6.6. He states that in fact the Applicant had not reported for duty at the P.S. Seemapuri on 02.01.2025 and failed to report even thereafter; and on 08.01.2025 he has been suspended from duty.

6.7. He states that a sum of Rs. 1.5 lakh was handed over by the complainant to the Applicant on 02.01.2025, however since the Applicant fled from the P.S. GTB Enclave, the said amount could not be recovered.

6.8. He states, however, that the search of Room Nos. 404 and 405 at 3rd Floor of P.S. GTB Enclave was carried out and an amount of Rs. 4,05,000/-



was recovered from the said room. He states that Applicant herein is residing at Room Nos. 404 and 405 and it is for this reason that a search was carried out of the said rooms. He states that the statements of the witnesses confirming that the Applicant resides and uses the said rooms is available.

Rejoinder on behalf of the Applicant

7. In response, learned counsel for the Applicant states that his submission may be recorded that the Applicant disputes that he was not residing at Room Nos. 404 and 405 at 3rd floor of P.S. GTB Enclave, while discharging his duty at P.S. Seemapuri. He stated that the said rooms were never allotted to Applicant and there is nothing on record or evidence to show that these rooms were used by the Applicant and that the alleged amount belongs to him.

7.1. He states that however at this stage he is unable to state before this Court the details of the residence of the Applicant at Delhi, where he was residing while discharging his duty at P.S. Seemapuri.

Analysis and Conclusion

8. This Court has considered the submission of the Applicant.

9. It is an admitted fact that the Applicant/accused is Sub-Inspector with Delhi Police, who is presently posted as P.S. Seemapuri, North-East District Delhi and he was marked a complaint received from the office of LG against one Mohd. Azad i.e., the complainant in the subject FIR.

10. It is the prosecution's case that on 01.01.2025 a complaint was filed by the complainant with CBI, against the Applicant alleging that the Applicant has demanded a bribe of Rs. 4 lakhs from the complainant for resolving the allegation of possession of two voter ID cards by the complainant. It is stated that the complainant has alleged that on 23.12.2024,



the complainant received a call from the Applicant informing that a complaint has been registered against the complainant for possessing two voter identity cards and if the complainant pays Rs. 4 lakhs to the Applicant, the Applicant would not take any actions against the complainant.

11. It is stated that the Applicant continued to pressurize the complainant by calling him on his mobile number and visiting his shop. It is stated that on 31.12.2024, the complainant received a notice from the Applicant on his mobile, whereby the complainant was directed to appear at P.S. Seemapuri at 1 P.M. on 01.01.2025. It is stated that since the complainant did not want to pay any bribe to the Applicant, the Applicant filed the complaint with CBI.

12. It is stated that subsequently, the Respondent/CBI conducted a verification on 01.01.2025 to verify the contents of the said complaint and the same was duly verified and the verification report was prepared.

13. It is stated that during the investigation, a trap was laid down by the CBI on 02.01.2025 for a meeting between the complainant and the Applicant at P.S. Seelampuri. However, the Applicant called the complainant and told him to meet the Applicant at P.S. GTB Enclave.

14. It is stated in the circumstances, the complainant met the Applicant at P.S. GTB Enclave on 02.01.2025 and during the trap proceedings, the Applicant accepted a partial payment of Rs. 1.5 lakhs from the complainant, out of the total demanded bribe of Rs. 2 lakhs. However, the Applicant fled away from the crime scene at P.S. GTB Enclave before he could be apprehended by the CBI. It is stated that during search of the Room Nos. 404 and 405 at P.S. GTB Enclave, which is used by the Applicant an amount of Rs. 4,05,000/- was recovered.

15. Before delving into the analysis of the facts in this case, it is important



to consider the factors that should be taken into account when granting bail to an accused person in a situation similar to that of the Applicant in this particular case.

16. The Supreme Court in **State of Jharkhand v. Sandeep Kumar**⁴, while denying anticipatory bail to a police officer, who failed to discharge its duty as a police officer, noted as under: -

“10. In the light of these serious allegations made against no less than a senior police officer, an essential cog in the machinery of law enforcement, the High Court ought not to have taken a liberal view in the matter for the mere asking. Considering the position held by the respondent, even if he was suspended from service and the chargesheet had already been filed against him, the possibility of his tampering with the witnesses and the evidence was sufficiently high. That apart, grant of such relief to a police officer facing allegations of manipulating the investigation so as to favour an accused would send out a wrong signal in society. It would be against public interest.

11. No doubt, none of the provisions under which the respondent is alleged to have committed offences entail imprisonment in excess of seven years and most of them were bailable offences. Ordinarily, an accused facing the prospect of incarceration, if proved guilty of such offences, would be entitled to the relief of pre-arrest bail. However, the same standard would not be applicable when the accused is the Investigating Officer, a police officer charged with the fiduciary duty of carrying forward the investigation to its rightful conclusion so as to punish the guilty. The respondent is alleged to have failed in this fundamental duty as a police officer. This consideration must necessarily weigh in with the nature of the offences and the possible punishment therefor. Presumptions and other considerations applicable to a layperson facing criminal charges may not carry the same weight while dealing with a police officer who is alleged to have abused his office.”

(Emphasis Supplied)

⁴ 2024 SCC OnLine SC 240



17. The Supreme Court in **State v. Anil Sharma**⁵ elucidated upon the grant of pre-arrest bail *vis-a-vis* effective interrogation in the following words: -

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

(Emphasis Supplied)

18. The Constitutional Bench of the Supreme Court in **Subramanian Swamy v. CBI**⁶, observed that it is the mandate of the PC Act to track down corrupt public servants and punish such persons. The Supreme Court noted as under: -

“72. Corruption is an enemy of nation and tracking down corrupt public servant, howsoever high he may be, and punishing such person is a necessary mandate under the PC Act, 1988. The status or position of public servant does not qualify such public servant from exemption from equal treatment. The decision-making power does not segregate corrupt officers into two classes as they are common crimedoeers and have to be tracked down by the same process of inquiry and investigation.”

⁵ (1997) 7 SCC 187

⁶ (2014) 8 SCC 682



19. In the present matter, the Respondent/CBI has produced a video footage of 02.01.2025 recorded at the CCTV installed P.S. GTB Enclave. The said video footage of 02.01.2025, place the Applicant at P.S. GTB Enclave in the afternoon and shows that the Applicant indeed met the complainant which ex-facie falsifies the stand taken by the Applicant in this bail application that the Applicant did not meet the complainant on 02.01.2025. Similarly, the contention of the Applicant that he was present at P.S. Seemapuri until 02:00 PM on 02.01.2025 is negated by the said video.

20. In the present case, the Applicant has been unable to show that he is being falsely implicated. On the contrary, the fact that the Applicant failed to report on duty from 02.01.2025 indicates that he was absconding. The conduct of the Applicant in switching off the mobile phone on 02.01.2025 and not switching on thereafter lend substance to the contention of the CBI that Applicant fled from P.S. GTB Enclave. Though, the Applicant has denied that Room Nos. 404 and 405 were not being used by him as his residence, the Applicant has failed to provide details of his residence at Delhi while working at P.S. Seemapuri. The Applicant is a police officer and his conduct of absconding after 02.01.2025 and failing to join investigation are not pointers of his innocence.

21. This Court, therefore, finds no merit in this application. Accordingly, this Application is dismissed. Pending applications (if any) are disposed of as infructuous.

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



23. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

FEBRUARY 14, 2025/mt/MG

MANMEET PRITAM SINGH ARORA, J

[Click here to check corrigendum, if any](#)