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

\+ BAIL APPLN. 2594/2025 & CRL.M.As. 20236-20237/2025

DR. UMASHANKAR ANBARASAN .....Petitioner

Through: Mr. Shekhar G. Devasa, Senior Advocate with Mr. Manish Tiwari, Ms. Thashmitha K. and Mr. Ranjit Kohan, Advocates.

versus

CBI .....Respondent

Through: Mr. Atul Guleria, SPP with Mr. Aryan Rakesh, Mr. Prashant Upadhyay, Advocates with Mr. Gajendra Prasad Balra, Dy. S.P., CBI.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

<u>O R D E R</u>

% **16.07.2025**

1. The present application under Section 482 of Bharatiya Nagarik Suraksha Sanitha, 2023,[1] (formerly Section 438 of the Criminal Procedure Code, 1973[2]) seeks pre-arrest bail in FIR No. RC2172025A0016 dated 24th May, 2025, registered under Section 61(2) of the Bharatiya Nyaya Sanhita, 2023,[3] read with Sections 7, 8, 9, 10 & 12 of the Prevention of Corruption Act, 1988,[4] at P.S. CBI/AC-II/New Delhi. The Applicant's prayer for anticipatory Bail was denied by order dated 4th July, 2025, passed by Additional Sessions Judge, Spl. Judge (PC Act) (CBI)-07, Rouse Avenue Court, New Delhi.

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[1] "BNSS"
[2] "Cr.P.C."
[3] "BNS"

2. Briefly, the case of the prosecution against the Applicant is as follows:

2.1. The FIR was registered on the basis of a complaint lodged pursuant to a source information alleging that a team led by Prof. (Dr.) Tapan Kumar Jana, Head of Department (Anatomy), Murshidabad Medical College & Hospital, was deputed by the National Medical Commission[5] to conduct inspection of Jawaharlal Nehru Medical College, Belagavi, Karnataka [6] on 20th May, 2025. The inspection team comprised Dr. Jana as the Chairperson and four other unidentified assessors.

2.2. It is further alleged that members of the assessment team engaged in corrupt practices by demanding illegal gratification from Dr. V. D. Patil (Professor, Jawaharlal Nehru Medical College) and Dr. B. G. Desai (Secretary, KLE Society) in exchange for issuing a favourable inspection report. As per the complaint, Dr. Jana specifically demanded a bribe of ₹10,00,000/- for himself, to be delivered at his residence in Kolkata on 24th May, 2025. In addition, two other members of the assessment team allegedly demanded and received ₹5,00,000/- and ₹3,00,000/- respectively for the same purpose.

2.3. On 23rd May, 2025, Dr. Desai reportedly instructed Dr. Patil to coordinate with Shri Kedari Shinde, Accountant at JNMC, for facilitating the delivery of the bribe amount in Kolkata through a hawala operator. Further, the source also disclosed that the transaction was scheduled to take place on the afternoon of 24th May, 2025, in the vicinity of Bara Bazar, Kolkata.

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[4] "PC Act"

[5] "NMC"

2.4. On the basis of this information, the subject FIR was registered and investigation was initiated. On 24th May, 2025, Dr. Jana was apprehended in Kolkata while accepting ₹10,00,000/- from Dr. Patil through a hawala conduit, in accordance with the arrangement previously disclosed by the complainant.

2.5. The investigation has revealed that the present Applicant, Dr. Umashankar Anbarasan, Professor at Government Medical College and ESI Hospital, Coimbatore, Tamil Nadu, was also a member of the inspection team deputed by NMC. Statements recorded under Section 183 of the BNSS, 2023 (corresponding to Section 164 Cr.P.C.), disclose that the Applicant too received a bribe of ₹5,00,000/- on the evening of 20th May, 2025, at Hotel Marriott, Belagavi – the hotel where he was lodged during the inspection. Dr. Vishwanath, affiliated with JNMC, has specifically deposed that he delivered a brown paper bag containing the bribe amount directly to the Applicant's room. This version finds corroboration in the CCTV footage recovered from Hotel Marriott, which captures the presence of both Dr. Vishwanath and the Applicant at the relevant time and place. The said footage has been verified by the Investigating Officer[7] and placed on record before the Trial Court.

2.6. During the course of investigation, the IO conducted a search of the Applicant's residence. It was revealed that INR 5,00,000/- had been credited to the Applicant's Bank Account Bearing No. ********904 with State Bank of India,[8] Singanallur Branch, Coimbatore, Tamil Nadu, on 21st May, 2025. It was further revealed that the said amount was deposited by the Applicant

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[6] "JNMC"
[7] "IO"

himself at SBI Kakati Branch, near Hotel Marriott, Belagavi, on the same date, prior to his return journey to Coimbatore.

2.7. A Locker, numbered 3/172, in the name of the Applicant's wife maintained with SBI, Peelamedu Branch, Coimbatore, was also searched on 21st June, 2025. However, no incriminating material was found.

2.8. The IO, during the search of the locker belonging to the wife of the Applicant, served notice under Section 35(3) of the BNSS dated 21st June, 2025, directing the Applicant to join the investigation.

2.9. A second notice under Section 35(3) of BNSS was served upon the on 23rd June, 2025, and pursuant thereto he joined the investigation on 24th June, 2025.

2.10. During interrogation, the Applicant was confronted with documentary evidence obtained from the Bank Manager of State Bank of India, Belagavi, confirming the deposit of ₹5,00,000/-. The Applicant appeared visibly perplexed and was unable to furnish any cogent or satisfactory explanation. Initially, he claimed that the said amount had been deposited at the Coimbatore branch of SBI; however, this assertion was found to be factually incorrect. Subsequent verification established that the deposit had been made by the Applicant himself at the SBI Kakati Branch, Belagavi, on 21st May, 2025.

2.11. Thereafter, the CBI issued a further another notice dated 25th June, 2025, directing the Applicant to appear at the CBI Office in Delhi for continued interrogation. However, the Applicant returned to Coimbatore without securing permission or completing his examination. Subsequently, he shared a medical certificate citing the ill health of his father as the reason

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[8] "SBI"

for his non-attendance, and instead filed an application seeking anticipatory bail.

2.12. The acts attributed to the Applicant, involving the acceptance of bribes by public servants in concert with private individuals and unidentified officials of NMC officials, constitute offences punishable under Sections 7, 8, 9, 10 and 12 of the PC Act and Section 61(2) of the BNS.

3. Mr. Shekhar G. Devasa, Senior Counsel for the Applicant, submits that the Applicant has been falsely implicated in the present case and advances the following grounds in support of the application for anticipatory bail:

3.1. The Applicant is not even named in the FIR and has been roped in without any substantive basis.

3.2. The Applicant has consistently cooperated with the investigation and duly joined the proceedings upon being served notices by the IO.

3.3 On 25th June, 2025, he could not appear before the Investigating Agency due to medical reasons, which were duly communicated. However, he remains willing to cooperate and shall appear whenever required by the Investigating Agency.

3.4. The entire case of the prosecution turns on documentary and circumstantial evidence, primarily a cash deposit allegedly made by the Applicant, which can be put to him without the necessity of custodial interrogation. The prosecution has not indicated that any recovery remains pending or that any fresh evidence would be jeopardised by the Applicant's continued liberty.

3.5. Reliance is placed on the settled principle that *"bail is the rule and jail is the exception"*, and that the liberty guaranteed under Article 21 of the

Constitution of India, 1950 cannot be curtailed on the mere apprehension of non-cooperation, particularly when no such conduct has been demonstrated.

3.6. There is no risk of the Applicant tampering with evidence or absconding, considering that he has cooperated with the investigation.

4. On the other hand, Mr. Atul Guleria, Special Public Prosecutor for the Respondent, opposes the application and makes the following submissions:

4.1. CBI's case is supported by cogent and credible material. The statements of the approver, categorically implicate the Applicant and delineates his role in the wider conspiracy involving demand and acceptance of illegal gratification in connection with the inspection of a medical college.

4.2. The Applicant's request for anticipatory bail was previously considered and rejected by the Sessions Court, after examining the material brought before it during the investigation.

4.3. Apart from the approver's statement, there is other material on record, which independently implicates the Applicant. In these circumstances, custodial interrogation is necessary to effectively investigate and unravel the conspiracy.

4.4. CBI proposes to confront the Applicant with the documentary evidence, including surveillance footage, bank account statements, and the statements of key witnesses. The objective, it is stated, is to trace the flow and origin of funds deposited into the Applicant's account and to unearth the financial and institutional linkages of the alleged corruption.

4.5. In cases of conspiracy, custodial interrogation plays a crucial role in discovering its full scope and identifying all persons involved, which cannot be achieved through routine questioning alone. Therefore, denial of custodial interrogation at this stage would seriously impede the ongoing investigation.

5. The Court has carefully considered the rival submissions and perused the material placed on record. It is the CBI's case that during the course of investigation, a cash deposit of ₹5,00,000/- was traced to the Applicant's savings account, maintained at the Coimbatore branch of the State Bank of India, but deposited at the SBI Kakati branch in Belagavi, Karnataka, on 21st May, 2025. When initially confronted with this material, the Applicant was unable to offer a cogent explanation. Subsequently, as recorded in the proceedings dated 4th July, 2025, it was submitted on his behalf that the said cash was intended to be used for purchasing sarees for his wife; however, owing to the market being closed, he decided to deposit the amount in his account. The explanation furnished by the Applicant does not inspire confidence. The argument that such a substantial sum was withdrawn and carried for the ostensible purpose of shopping, particularly when digital modes of payment are widely accessible, appears implausible. Moreover, this version stands contradicted by the Applicant's own letter addressed to the Branch Manager, wherein he claimed that the deposit represented income accumulated for "business purposes." These shifting stands cast doubt on the veracity of the explanation and support the prosecution's contention that the transaction warrants deeper scrutiny.

6. The cash deposit, viewed in conjunction with the inconsistent and unsatisfactory explanations offered by the Applicant, raises a *prima facie* inference that the Investigating Agency possesses adequate grounds to continue the investigation and probe the Applicant's role in the alleged conspiracy. At this stage, the material collected justifies a full and fair

investigation, including the necessity of custodial interrogation, to test the authenticity of the Applicant's version and to uncover the contours of the offence, if any.

7. What also assumes significance is the material that supplements the alleged cash deposit. The Investigating Agency has recorded the statement of Dr. Vishwanath, wherein he has specifically stated that the bribe amount was handed over to the Applicant on the evening of 20th May, 2025, at Hotel Marriott, Belagavi. This version is further corroborated by CCTV footage from the said hotel, which, as per the IO, captures the Applicant and Dr. Vishwanath together on the night on 20th May, 2025. These pieces of evidence, when considered cumulatively and in the backdrop of the unexplained cash deposit, *prima facie* suggest the existence of a wider conspiracy. At this stage, the Court is not required to return any finding on guilt, but the material on record is certainly sufficient to justify further investigation, including custodial interrogation of the Applicant.

8. It is well settled, and reaffirmed by the Supreme Court in ***Devinder Kumar Bansal v. State of Punjab***,[9] that anticipatory bail in cases involving offences under the PC Act is to be granted only in rare circumstances. The court is required to be *prima facie* satisfied either of false implication, political vendetta, or manifest frivolity in the complaint. The Court in that case had observed as follows:

> *"21. The parameters for grant of anticipatory bail in a serious offence like corruption are required to be satisfied. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has been falsely enroped in the crime or the allegations are politically motivated or are frivolous... ... .*
> ... ...

[9] 2025 INSC 320

> *24. If liberty is to be denied to an accused to ensure corruption free society, then the courts should not hesitate in denying such liberty. Where overwhelming considerations in the nature aforesaid require denial of anticipatory bail, it has to be denied. It is altogether a different thing to say that once the investigation is over and charge-sheet is filed, the court may consider to grant regular bail to a public servant - accused of indulging in corruption."*

9. In the present case, no special or compelling circumstances have been made out that would warrant the grant of anticipatory bail. On the contrary, the allegations levelled against the applicant, supported by the material gathered during investigation, *prima facie* indicate his involvement in the commission of the alleged offence.

10. As for the argument that the Applicant is not named in the FIR and that no specific role has been assigned to him therein, it must be noted that an FIR is not intended to serve as an encyclopaedia of the offence. It merely sets the criminal law in motion and provides the basis for initiating an investigation. The full contours of the offence and the identities of all persons involved typically emerge only during the course of investigation. Accordingly, the mere absence of the Applicant's name in the FIR does not *ipso facto* entitle him to the grant of pre-arrest bail, particularly when subsequent material collected during investigation points to his involvement.

11. In the opinion of the Court, the Applicant has failed to make out a case for grant of anticipatory bail. The Respondent's request for custodial interrogation, in order to confront the Applicant with the material gathered during investigation and to uncover the chain of events, is justified in the facts and circumstances of the present case.

12. In light of the foregoing, the Court is not inclined to exercise its jurisdiction to grant the pre-arrest bail to the Applicant.

13. The application is dismissed along with pending applications.

14. It is clarified that the observations made herein are only for the purpose of deciding the present application, and shall not prejudice the case of the Applicant which shall be evaluated on its merits at the appropriate stage before the Trial Court.

SANJEEV NARULA, J

JULY 16, 2025/as