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

+ **CRL.M.C. 9088/2024 &CRL. M.A. 34826/2024**

ABHISHEK GUPTA

.....Petitioner

Through: Mr. Jayant K. Sud, Senior Advocate
with Mr. Shrey Sharma, Mr. Kartik
Jasra, Ms. Shayal Anand and Mr. Sai
Manik Sud, Advocates

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Rajesh Kumar, SPP with Ms.
Mishika Pandita and Mr. Mohd.
Changez Ali Khan, Advocates for
CBI
Mr. Abhijit Anand, Ms. Tisha
Kaushik, Ms. Prachi Mittal and Ms.
Niyati Dayma, Advocates for the
victim

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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30.01.2025

CRL. M.A. 34827/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands allowed.

CRL. M.C. 9088/2024

3. The present petition has been filed by the petitioner seeking setting aside/quashing of the condition in the impugned order dated 23.09.2024 passed by the learned Principal District & Sessions Judge-cum-Special Judge whereby the petitioner had been directed to deposit INR 2.5 crores as contained in paragraph 17 thereof.



4. Mr. Jayant Sud, learned Senior Counsel appearing on behalf of the petitioner submits that the learned trial court has followed the condition which was imposed by this Court while granting bail to the co-accused *vide* order dated 13.09.2024 passed in BAIL APPLN. 3089/2024, BAIL APPLN. 3197/2024, BAIL APPLN. 3198/2024 & BAIL APPLN. 3201/2024.

5. Elaborating on his submission, he submits that while granting bail to the co-accused, this Court *vide* aforesaid order dated 13.09.2024 had granted bail to the co-accused subject to their furnishing a personal bond in the sum of Rs. 1 lakh with two sureties of the like amount. However, to balance the interest of the complainants/victims, this Court in paragraph 26 of the said order had directed that an amount of Rs. 5 crores be deposited by the co-accused with Red Cross Society to create a corpus for providing compensation to the victims.

6. He submits that the said order was impugned by the co-accused by filing SLP (Crl.) Nos. 14851-14854/2024, titled as '*Parvinder Singh & Ors. Etc. v. Central Bureau of Investigation*'. The Hon'ble Supreme Court *vide* order dated 20.12.2024 set aside the condition contained in para 26 of the aforesaid order dated 13.0.2024 and observed as under:

"2. Having heard learned Senior Counsel for the appellant, learned Additional Solicitor General for the Central Bureau of Investigation as well as learned counsel for the victims' family, we set aside paragraph 26 of the impugned interim order dated 13.09.2024 to the extent of a direction to the appellants to deposit Rs. 5 crores in one go or in instalments till 30.11.2024, with Red Cross Society. Accordingly, the interim bail granted to the appellants shall continue to operate. The High Court is requested to decide the bail matter as per its own merit. However, this will not preclude the appellants or any other person to contribute any voluntary donation in a corpus that



may be created for the welfare of the victims or alike.

3. However, the High Court will be well-advised that instead of Red Cross Society, such corpus can be created under the aegis of the State Legal Services Authority or the High Court legal Services Authority.”

7. He submits that since the matter was remanded back to the High Court by the Hon’ble Supreme Court, the bail plea of the co-accused was considered by this Court and *vide* order dated 21.01.2025 in the said bail applications, this Court granted regular bail to the co-accused. Further, since the bail petitioners in the said bail applications offered donation of Rs. 5 lakhs in the corpus, the High Court directed the applicants therein to deposit the said amount with Delhi State Legal Services Authority, towards the welfare of the families of the deceased. The relevant part of the said decision reads thus:

“9. However, there is no material placed on record either in the status report or otherwise, to indicate any corruption angle in the present petition against the Applicants. On a specific query put by this court, Mr. Kumar submits that, at this stage, he cannot make any comment on the role of the Applicants in relation to corruption allegations. Based on these considerations, the Court finds this a fit case for grant of bail.

10. At this juncture, Mr. Mohit Mathur states that, as directed by the Supreme Court, the Applicants wish to make a voluntarily donation of Rs. 5 lacs (in aggregate) in the corpus. Accordingly, it is directed that the Applicants shall, within a period of two weeks from today, deposit Rs. 5 lacs (in aggregate) with Delhi State Legal Services Authority, towards the welfare of the families of the deceased. The member secretary, DSLSA, shall then consider the claims from the families of deceased and issue direction for disbursal of the said amount after due consideration.



11. *It is clarified that the aforementioned amount is a voluntary contribution from the Applicants and the Trial Court is at liberty to award compensation, if any, in addition to the aforementioned amount, upon conclusion of trial.*

12. *Accordingly, the order dated 13th September, 2024, granting interim bail is now confirmed as regular bail on the same terms and conditions.¹*

8. Mr. Sud submits that in the meanwhile the petitioner was also granted interim bail and the similar condition as was imposed by this Court *vide* order dated 13.09.2024 was followed and made a condition in the interim bail granted to the petitioner *vide* impugned order dated 23.09.2024¹. The relevant part of the said order reads as under:

“17. Since, as per the clause 5.5 of the lease agreement dated 01.07.2022, the applicant being the lessee of the premises and CEO of the institute (RAU’s IAS Study Circle) alone, would responsible for any loss claim, and damages to any person or material in the schedule property for any reason whatsoever and further, as per clause 5.7.11, the safety of the clients, employees and the guests of M/s Rau’s IAS Study Circle (lessee) is the sole responsibility of the lessee and not the lessors and also in view of the orders of High Court dated 13.09.2024 whereby appropriate steps have been taken to prevent such incidents and order for formation of the committee has been made and a corpus is created, accordingly applicant is ordered to deposit Rs.2.5 crores till 30.11.2024 (can also be done in installments) with Red Cross Society placed at the disposal Hon’ble Lieutenant Governor of Delhi. The applicant / accused may be released on furnishing the personal and surety bonds but the amount of Rs.2.5 crores can be deposited till 30.11.2024.”

(emphasis supplied)

9. Mr. Sud contends that since the Hon’ble Supreme Court has already

¹ Terms and Conditions in order dated 13th September, 2024 to be read with order dated 20th December,



set aside the order of creation of corpus of Rs. 5 crores in the case of co-accused persons, the similar condition which was imposed by the learned Principal District & Sessions Judge-cum-Special Judge, CBI Rouse Avenue District Courts, New Delhi *vide* impugned order may also be set aside and the matter be remanded to the learned Principal District & Sessions Judge-cum-Special Judge for deciding the matter on its own merits. Mr. Sud further adds that the impugned order has not been challenged by the respondent-CBI.

10. Mr. Rajesh Kumar, learned SPP for the CBI does not dispute the above noted factual aspects. He, however, submits that all the contentions which were available to the respondent/CBI shall be kept open.

11. The learned counsel appearing on behalf of the victims submits the impugned order granting interim bail has been challenged by the victims.

12. Having regard to the submissions noted above, more particularly the decision of the Hon'ble Supreme Court passed in SLP (Crl.) Nos. 14851-14854/2024 titled as '*Parvinder Singh & Ors. Etc. v. Central Bureau of Investigation*', the condition in paragraph 17 of the impugned order dated 23.09.2024 to the extent the petitioner has been directed to deposit Rs. 2.5 crores till 30.11.2024 with Red Cross Society is set aside. However, the interim bail granted to the petitioner shall continue to operate. Learned Principal District & Sessions Judge-cum-Special Judge is requested to decide the bail application on its own merits.

13. However, this will not preclude the petitioner or any other person to contribute any voluntary donation in a corpus in terms of the order of the Hon'ble Supreme Court dated 20.12.2024 passed in SLP (Crl.) Nos. 14851-14854/2024 read with this Court's aforesaid order dated 21.01.2025 in BAIL



APPLN. 3089/2024 and other connected cases, for the welfare of the victims or alike.

14. The petition stands disposed of in the above terms.
15. Order *dasti* under signatures of the Court Master.

JANUARY 30, 2025
‘rs’

VIKAS MAHAJAN, J