

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

Reserved on : 03.03.2021

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Pronounced on : 26.03.2021

+ **BAIL APPLN. 437/2021**

MANOHAR MALIK

..... Petitioner

Through: Mr. Mohit Mathur, Sr. Advocate
with Mr. Vinod Kumar, Advocate.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. Nikhil Goel, SPP for CBI

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. By way of this order, I shall dispose of the present petition filed by the petitioner under Section 439 Cr.P.C. seeking bail in case FIR No. 2172021A0001 of CBI, ACU-IV, under Section 120 B IPC read with Section 7/7A/8/12 of the Prevention of Corruption (Amendment) Act, 2018.

2. Briefly stated, the allegations in the FIR are that R.K. Sangwan, DSP, R.K. Rishi, DSP, Kapil Dhankar, Inspector and Sameer Kumar Singh, Steno in conspiracy with private persons Arvind Kumar Gupta

and Manohar Malik (present petitioner) and certain other accused have been compromising the integrity of investigation of certain cases on extraneous pecuniary considerations.

3. Further, the allegations as per the FIR are that in the case of M/s Shree Shyam Pulp & Board Mills Pvt. Ltd. (M/s SSPBML), R.K. Sangwan, DSP the previous investigating officer of this case, offered and paid a bribe of Rs. 10 Lakhs in cash on behalf of Ms. Mandeep Kaur Dhillon, Addl. Director of the said company to Kapil Dhankad, Inspector. On his part, Kapil Dhankad conveyed confidential information relating to the investigation of this case to R.K. Sangwan, DSP with an intention to favour the accused.

4. It is further alleged that Rs. 10 Lakh was paid as bribe by R. K. Rishi, DSP on behalf of Sujay Desai and Uday Desai, directors of M/s Frost international Pvt. Ltd. to Shri Kapil Dhankad, Inspector who was seized of this issue, for extending favour to the said company.

5. It is further alleged that R.K. Rishi, DSP received Rs. 15 Lakh twice through two advocates namely Shri Manohar Malik (present petitioner) and Arvind Gupta (having office in Defence Colony) to extend favours to a Chandigarh based company against which a corruption case was being investigated by CBI. In this matter, Kapil

Dhankad twice received Rs. 2.5 lakhs from Arvind Gupta for having brokered the deal through R.K. Rishi, DSP.

6. It is further alleged that the details of the investigation of many other cases including confidential notes and directions have been communicated by Sameer Kumar Singh, Steno, to R.K. Sangwan and R.K. Rishi on pecuniary considerations to protect the interest of the accused.

7. The said allegations were made in the FIR on the basis of information received through a reliable source, on the basis of which a Regular Case under Section 120 B of IPC r/w Section 7, 7A, 8 and 12 of the Prevention of Corruption (Amendment) Act, 2018 was registered against Sh. R.K. Sangwan, DSP, CBI, Sh. R.K. Rishi, DSP, CBI, Sh. Sameer, Steno, CBI, Kapil Dhankad, Inspector CBI, Arvind Kumar Gupta, Advocate, Manohar Malik, Advocate (present petitioner), Mandeep Kaur Dhillon, Additional Director, M/s Shree Shyam Pulp & Board Mills Pvtl Ltd., Sujay Desai and Udai Desai, Directors of M/s Frost International Pvt. Ltd. and unknown others and entrusted to Kiran S, S.P., ACII CBI, New Delhi for investigation.

8. It is submitted by learned senior counsel for the petitioner that petitioner has been falsely implicated in this case. He has joined the investigation. He further submitted that the petitioner was arrested on

19.01.2021 and remanded to the police custody for a total period of eight days, and thereafter, on 28.01.2021, the petitioner was sent to judicial custody. It is further submitted that the petitioner is an advocate by profession and he has deep roots in the society and there is no apprehension of his tempering with the evidence or running away from justice. It is submitted that the petitioner has clean past antecedents and has his family to support. He further submitted that no useful purpose would be served by keeping the petitioner in judicial custody. Learned senior counsel further submitted that the office of the petitioner was raided and during the raid respondent-CBI had seized office register and diary, two cancelled cheques, mobile phone, hard drive of office computer and bunch of papers.

9. Respondent has contested the application by filing its reply. Learned SPP appearing for CBI has submitted that the petitioner along with certain other accused has compromised the integrity of the investigation of certain cases on extraneous pecuniary considerations. It is further submitted that the petitioner has remained non-cooperative and evasive during his replies. He further submitted that the documents recovered showed that petitioner was in possession of documents of cases which were investigated by co-accused Dhankad and in those cases applicant/accused was not even a counsel and he acted as a commute between CBI officials and private persons. He

further submitted that the petitioner is an influential person and an advocate and he would temper with the evidence and can influence witnesses.

10. In the instant case, petitioner is in judicial custody since 19.01.2020. He was remanded in police custody for eight days. Respondent-CBI has conducted search of the office of the petitioner and seized all the material, which according to the respondent, was incriminating. Now, all the incriminating material and documents have been seized during the course of investigation, so there is no possibility of tempering with the evidence and even the incriminating documents have already been sent to the CFSL. Therefore, under the circumstances, the petitioner is admitted to bail on the following conditions:-

- (i) The Petitioner shall furnish personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the concerned trial court/MM;
- (ii) The petitioner shall provide his mobile phone number to the Investigating Officer (IO) concerned – at the time of release, which shall be kept in working condition at all times. The petitioner shall not switch-off, or change the same without prior intimation to the IO concerned, during the period of bail;

(iii) The petitioner shall not leave the NCT of Delhi without the prior permission of the concerned trial court;

(iv) The petitioner shall not indulge in any criminal activity during the bail period;

(v) The petitioner shall not communicate with, or come into contact with any of the prosecution witnesses, or any member of the victim's family, or tamper with the evidence of the case; and

11. The application stands disposed of in the aforesaid terms.

12. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of the case.

MARCH 26 , 2021

RAJNISH BHATNAGAR, J