

Anand Mallick vs Central Bureau Of Investigation on 18 February, 2019

Author: Chander Shekhar

Bench: Chander Shekhar

\$~6 & 7

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.A. 1220/2018 & CRL.M.(BAIL) 1901/2018

ANAND MALLICK

..... Appellant

Through: Mr. Sudhir Nandrajog, Sr. Adv.
with Mr. Manish Tiwari, Mr.
Anil Kumar and Mr. S.K.
Gupta, Advs.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. R. S. Cheema, Sr. Adv.
Ms.Tarannum Cheema and Ms.
Smrithi Suresh, Advs.

+ CRL.A. 1221/2018 & CRL.M.(BAIL) 1902/2018

VIKASH PATNI

..... Appellant

Through: Mr. N. Hariharan, Sr. Adv. with
Mr. Sushil Gupta, Mr. Mallika
Chadha, Mr. Sharang Dhulia
and Mr. Prateek Bhalla, Advs.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. R. S. Cheema, Sr. Adv.
Ms.Tarannum Cheema and Ms.
Smrithi Suresh, Advs.

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR
ORDER

% 18.02.2019 CRL.M.(BAIL) 1901/2018 in CRL.A. 1220/2018 CRL.M.(BAIL) 1902/2018 in CRL.A. 1221/2018

1. Learned counsel for the appellants submitted that the appellants were convicted for offence punishable under Section 120-B read with Section 420 of the Indian Penal Code, 1860 (IPC) and Section 13(1)(d)(ii)/ 13(1)(d)(iii) of the Prevention of Corruption Act, 1988 (PC Act) and vide order dated 5.12.2018, the appellant Anand Mallick was sentenced to undergo rigorous imprisonment of three years and to pay a fine of Rs.1 lac and in default of payment of fine, he would have to undergo simple imprisonment for six months and the appellant Vikash Patni was sentenced to undergo

rigorous imprisonment of three years and to pay a fine of Rs.10 lacs and in default of payment of fine, he would have to undergo simple imprisonment for nine months.

2. The appellant Anand Mallick was further sentenced to undergo rigorous imprisonment of four years for the offence punishable under Section 420 of the IPC and to pay a fine of Rs.1 lac and in default of payment of fine, he would have to further undergo simple imprisonment for six months and the appellant Vikash Patni was further sentenced to undergo rigorous imprisonment of four years for the offence punishable under Section 420 of the IPC and to pay a fine of Rs.15 lacs and in default of payment of fine, he would have to further undergo simple imprisonment for twelve months.

3. Learned counsel for the appellants further submitted that the appellants were on bail during the entire period before the Trial Court and they have never misused the same.

4. Learned counsel for the appellants further submitted that in view of the fact that the appeals stand admitted and the disposal of the appeals may take some time, the order on sentence be suspended and the appellants may be released on bail during the pendency of the appeals. Learned counsel for the appellants further submitted that the appellants shall file an undertaking on affidavit in the Registry of this Court within two days from the date of their release to the effect that they shall not leave the country without the permission of the Court.

5. Taking into consideration the conduct of the appellants before the Trial Court as well as the fact that the disposal of the appeal may take some time, the order on substantive sentence of the appellants is suspended during the pendency of the present appeals and the appellants be released, if not required in any other case, subject to their furnishing bail bonds in the sum of Rs.50,000/- with one surety each of the like amount to the satisfaction of Trial Court. The appellants shall also not leave the country without the permission of this Court and affidavit to this effect shall be filed by them in the Registry of this Court within two days from the date of their release.

6. The applications are disposed of accordingly.

Dasti.

CHANDER SHEKHAR, J FEBRUARY 18, 2019/rk