

Pradeep Kumar Dagar vs Central Bureau Of Investigation on 24 February, 2023

Author: Amit Sharma

Bench: Amit Sharma

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.A. 15/2023

PRADEEP KUMAR DAGAR

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Through: Mr. Amit Sahni, Mr. Vaid
Mr. Parth Sharma & Ms.
Tiwari, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

....

Through: Ms. Anubha Bhardwaj, SP
with Mr. Sachin Singh &
Mukesh Kumar Mishra, AC

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA
ORDER

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24.02.2023

CRL.M. (BAIL) 19/2023

The present application under Section 389 of the Cr.P.C. seeks suspension of sentence and grant of bail to the appellant/applicant during the pendency of the present appeal.

The present applicant/appellant was convicted vide judgment dated 19.11.2022, passed by Sh. Amit Kumar, Special Judge, PC Act (CBI)-04, Rouse Avenue Courts, Delhi in CC No. 166/2019, R.C. No. 28 (A)/17, CBI/ACB/ND. The applicant/appellant was sentenced to undergo rigorous imprisonment for 04 years with a fine of Rs. 50,000/- for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988, and in default of payment of fine, further simple imprisonment of 06 months and further sentenced to undergo rigorous imprisonment of 04 years with a fine of Rs. 50,000/- for the offence punishable under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and in default of payment of fine, further simple imprisonment for 06

months, both the sentence to run concurrently.

Learned counsel appearing on behalf of the applicant/appellant submits that the present appellant/applicant was posted as Veterinary Inspector at that relevant point of time, and had recommended rejection of the application of the complainant for grant of meat trade license on 17.07.2017, on the ground that the complainant had failed to submit requisite documents. It is pointed out that the said recommendation was accepted by the superior officers vide endorsement dated 19.07.2017. The complainant in the present case was intimated about aforesaid objection through communication from the department on 19.07.2017 and complainant's endorsement with regard to the same is dated 20.07.2017.

It is submitted that trap in the present case was laid on 20.07.2017. It is further submitted that the applicant/appellant was granted bail in the present case and during the entire period of trial, he did not misuse the liberty of bail and neither did he violate any conditions imposed upon him. It is submitted that he regularly appeared before the learned trial Court till he was taken into custody on 19.11.2022. It is further submitted that the appellant/applicant is the sole bread earner of his family and his conduct during the period of trial demonstrates that he is not a flight risk.

Per contra learned Special Public Prosecutor for the Central Bureau of Investigation opposes the present bail application and submits that the complainant had filed the complaint on 18.07.2017, and in pursuance thereof, a trap was laid down and the present applicant/appellant was caught red handed while accepting a bribe of Rs. 10,000/-.

The Nominal Roll dated 07.12.2023, received from the Office of the Superintendent, Central Jail No. 7, Tihar, New Delhi reflects that the applicant/appellant has undergone a sentence of 03 months and 04 days.

The applicant/appellant has deposited a fine of Rs. 1,00,000/- before the learned trial Court. In view of the fact that the applicant/appellant was on bail during the pendency of the trial and did not misuse the bail granted and the fact that the present appeal is likely to take time for final hearing, the present application is allowed.

The sentence of the present applicant/appellant is suspended and the applicant/appellant is directed to be released on bail on his furnishing a personal bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave the country without prior permission of the Court.
- ii. The applicant shall intimate this Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the Court as and when the matter is taken up for hearing.
- iv. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.

The application is allowed and disposed of accordingly. Order be uploaded on the website of this court forthwith.

List in due course.

AMIT SHARMA, J FEBRUARY 24, 2023/bsr