

**CBI Case No. 403/2019**

**CBI Vs. M/s Dolphin Scaffoldings Pvt. Ltd**

**03.09.2020.**

**ORDER ON BAIL APPLICATION OF ACCUSED SUNNY KALRA**

By this order I propose to dispose off the bail application filed in this case on behalf of accused Sunny Kalra.

The applicant/accused Sunny Kalra alongwith his wife Aarti Kalra and other relatives namely Sajan Kalra, Varsha Kalra and Sanjay Kumar Kalra as well as certain bank officials of Corporation Bank and private persons, have been chargesheeted in this case by the CBI for offences u/s 120-B r/w section 420, 465, 471 IPC and U/s 13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988 as well as substantive offences thereof.

It is alleged that the applicant and his above named relatives in a criminal conspiracy with the officers of Corporation Bank and other private persons got sanctioned the overdraft/CC limit to the tune of Rs. 8 Crores on the basis of fake, bogus, forged supportive documents including false/exaggerated valuation reports and incorrect Due Diligence Agency Report which has caused undue pecuniary loss to the Government Exchequer in the amount of Rs. 8 Crores and corresponding wrongful gain to the applicant and his relatives. It is mentioned in the chargesheet that the applicant played the role of a catalyst by entering into criminal conspiracy with the Branch Manager Robin Davis and thereafter, with the Zonal Level Committee Members i.e. accused A.R.K. Prasad (DGM), accused G.Balasubramanian (AGM) and accused Pawan Arya (Chief Manager), all officers of Corporation Bank Zonal Office, New Delhi. The Corp Vyapar Loan of Rs. 8 Crores had been applied in the name of a company M/s Dolphin



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Scaffolding Pvt. Ltd having its two Directors namely Sajan Kalra and Varsha Kalra who are stated to be close relatives of applicant herein. It is further alleged that the applicant alongwith his above named family members siphoned off the entire loan amount in various shell companies opened in the name of his family members, employees as well as bogus names and he himself acted as Proprietor of one of such bogus companies namely M/s Guruji Ispat Udyog Ltd in which he received huge funds and thereafter utilized around Rs. 1 Crore by way of cash withdrawal on various occasions.

Ld. Counsel for the applicant submitted that the investigation of this case is already over as chargesheet has been filed and therefore, the applicant is no longer required to be taken in custody. He further pointed out that even though the applicant had earlier left India but has now returned to India bonafidely to face trial in this case. He would also argue that the applicant has nothing to do with this case and has been falsely implicated with some ulterior motives and malafide intentions. It is further submitted by the Ld. Counsel that there is no likelihood of the applicant either fleeing from justice or absconding from the proceedings of this case. The Ld. Counsel relied upon the judgment of Hon'ble High Court in Tejinder Singh vs. CBI, MANU/DE/2082/2014. He also referred to an order dt. 13.05.2020 passed by Sh. Sanjeev Aggarwal, Ld. Special Judge, PC Act, CBI, vide which the applicant has been granted regular bail in FIR No. RC/AC-I/2015/A/0005 dt. 16.12.2015 u/s 120-B r/w section 420 IPC, 468 IPC, 471 IPC & 13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988.

The bail application is vehemently opposed by the Ld. PP. He argued that apart from the instant case where the loan has been applied and obtained by the applicant and his relatives in the sum of Rs. 8 Crores on the basis of forged/fictitious documents, they are involved in two other CBI cases also for committing similar forgery/fraud and obtaining Rs. 10.99 Crores (CBI Case No. RC/ AC-I/ 2015/ A005/CBI/AC-I/New Delhi) and Rs. 4 Crores (CBI case No.



Admittedly, he had been arrested by the local police in Oman for using bogus travel documents and thereafter, he was deported to India. It is also to be noted that the other relatives of the applicant including his wife i.e. accused Aarti Kalra are still in Oman.

It also needs to be noted here that the applicant and his above noted relatives namely accused Sajjan Kalra, accused Varsha Kalra, accused Aarti Kalra, accused Sanjay Kumar Kalra had earlier also approached this court in the instant case by way of anticipatory bail applications. When those anticipatory bail applications came up for hearing before this court on 24.10.2019, the Ld. Counsel for the applicant informed this court that the applicant had already been arrested in Oman at Muscat Airport and accordingly, sought permission to withdraw his bail application, which was granted. In the anticipatory bail applications of the remaining accused namely Sajjan Kalra, Varsha Kalra, Aarti Kalra and Sanjay Kumar Kalra, taking note of the submissions of their Counsels that they intend to return to India to face trial in this case in order to establish their innocence, this court had passed following order:-

*"Considering the above noted circumstances and without expressing opinion on the merits of the case, it is directed that if the applicant returns to India, in case of his/her arrest, he/she shall be released subject to furnishing of personal bond in the sum of Rs. 5 Lakhs alongwith one local surety in the like amount to the satisfaction of the arresting officer. Applicant shall handover his/her passport to CBI officials at the airport itself. He/she shall also inform the CBI officials in writing about the address where he/she would stay in Delhi and the telephone numbers/mobile numbers which he/she would be using. He/she shall not leave Delhi thereafter till the next date of hearing without the permission of this court."*



RC/DST/2017/A/0013/STB/CBI/New Delhi) in which also chargesheets have been already filed. He further submitted that after obtaining the loan amount in several crores of rupees fraudulently and fictitiously, the applicant and his relatives had fled abroad and a red corner notice was issued against him. He submitted that the applicant was arrested from Muscat, Oman by Muscat Police as he was found travelling on bogus travel documents and was then deported to India on 06.03.2020 in connection with the FIR No. RC/AC-I/2015/A/0005 dt. 16.12.2015. He was brought to India based on Emergency Certificate (Temporary Passport) issued by Indian Embassy, Muscat, Oman. It is, accordingly, argued by the Ld. PP that the applicant is at flight risk and may abscond again. He also submitted that the applicant has no fixed place of residence in India as he is residing in a rented accommodation Sector 40, Gurugram, Haryana and even his wife i.e. accused Aarti Kalra is also absconding.

I have considered the rival submissions made by Ld. Counsel for the applicant as well as the Ld. PP and have perused the record of the case.

At the outset, it may be noted that mere fact that the IO did not deem it necessary to arrest the applicant during the investigation of this case does not entitle the applicant ipso-facto to bail in the instant case. As observed by the Hon'ble High Court in Tejinder Singh's case (Supra), cited by the Ld. Counsel for the applicant himself, the magnitude of the offence, punishment prescribed for the same and other relevant factors also need to be considered by the court while deciding the bail application of such an accused.

In the instant case, the applicant is facing charges for the offence of conspiracy to cheat and forgery as well as for the substantive offence of cheating and forgery and are stated to have become enriched by crores of rupees on the basis of forged/fictitious documents. Therefore, the charges being faced by the applicant cannot be said to be jejune. Moreover, it is to be noted that the applicant has not returned to India on his own bonafidely.

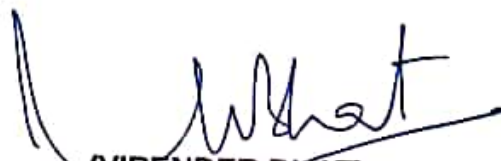


It was further directed that the protection granted to these accused vide above order shall remain in force only till the next date of hearing and they shall appear in person before this court on that date i.e. 09.12.2019. However, none of those accused appeared before this court on three consecutive dates i.e. 09.12.2019, 21.12.2019 & 10.01.2020. On 10.01.2020, their counsel submitted that he has not received any instructions from them and accordingly sought permission to withdraw application. Accordingly, those anticipatory bail applications were dismissed as withdrawn.

It is thus manifest that the applicant and his relatives (the other co-accused) did not take advantage of the protection granted to them vide aforesaid order dated 24.10.2019 of this court. This is indicative of the fact that they have no intention of returning to India. The applicant too would not have been in India, had he not been arrested by local police at Muscat Airport.

The applicant cannot take advantage of the order dt. 13.05.2020 passed by Sh. Sanjeev Aggarwal, Ld. Special Judge, PC Act, CBI, in case FIR No. RC/AC-I/2015/A/0005 dt. 16.12.2015, for the reason that the applicant had spent about 2 months in jail before he was granted bail vide that order. That is not the position in the instant case.

In view of the aforesaid discussion, I do not find any merit in the bail application. The applicant does not deserve to be granted bail in this case at this stage. Hence, the bail application is hereby dismissed.



(VIRENDER BHAT)  
SPL. JUDGE (PC ACT): CBI-15  
ROUSE AVENUE DISTRICT COURT  
NEW DELHI/03.09.2020

**Item No. 2**

**CBI Case No. 403/2019**

**CBI Vs. M/s Dolphin Scaffoldings Pvt. Ltd**

**03.09.2020.**

**Present:- Sh. Neetu Singh, Ld. PP for CBI alongwith HIO Insp. S. Sridhar Iyer.  
Sh. Bharat Gupta, Ld. Counsel for accused Sunny Kalra.  
None for other accused.  
A-9 has not been summoned in this case.**

Vide separate order pronounced through Video Conferencing, the bail application of accused Sunny Kalra has been dismissed.

Since the said accused has not joined hearing today, NBW be issued against him to be executed through concerned SP, returnable on the next date of hearing.

List for further proceedings on 07.09.2020.

The Ahlmad is directed to send the copy of the order to the Computer Incharge, RADDC, New Delhi who shall upload it on the official website of Delhi District Courts at the earliest.



**(VIRENDER BHAT)  
SPL. JUDGE (PC ACT): CBI-15  
ROUSE AVENUE DISTRICT COURT  
NEW DELHI/03.09.2020**

**Item No. 1**

**CBI Case No. 207/2019**

**CBI Vs. Ravinder Pal Raghav Etc. (Shiv Jyoti CGHS Ltd)**

**03.09.2020.**

**Present:-** Sh. Neetu Singh, Ld. PP for CBI.  
Proceedings qua A1 & A2 have already been abated due to their death.  
Accused No. 8 has already been discharged.  
Sh. Hitendra Nahata, Ld. Counsel for accused M.M. Sharma & Jyoti.  
Dr. Sushil Kumar Gupta, Ld. Counsel for accused R.K. Srivastava.  
Sh. S.K. Bhatnagar, Ld. Counsel for accused P.D. Sharma & S.S. Negi.  
Sh. Tanveer Ahmed, Ld. Counsel for accused Rajiv Gupta alongwith said accused in person through VC.

Hearing was conducted today through Video Conferencing on Cisco Webex Meeting Platform facilitated by the Ahlmad of the Court.

As per the order dt. 25.08.2020 passed by the Hon'ble High Court in Criminal Miscellaneous Main Petition No. 1699/2020, the arguments have not to be heard in this case till 16.09.2020.

Accordingly, adjourned for final arguments to 21.09.2020.

The Ahlmad is directed to send the copy of the order to the Computer Incharge, RADDC, New Delhi who shall upload it on the official website of Delhi District Courts at the earliest.



**(VIRENDER BHAT)**  
**SPL. JUDGE (PC ACT): CBI-15**  
**ROUSE AVENUE DISTRICT COURT**  
**NEW DELHI/03.09.2020**

**Item No. 3**  
**CBI Case No. 210/2019**  
**CBI Vs. Narayan Diwakar Etc. (See Show CGHS)**

**03.09.2020.**

**Present:-** Sh. Neetu Singh, Ld. PP for CBI.  
Accused No. 4 is already declared P.O. vide order dt. 16.10.2018.  
Proceedings qua A-20 have already been abated due to his death.  
Accused No. 13, 14, 15, 16 & 18 have already been discharged.  
Sh. Abhishek Prasad, Ld. Counsel for A-1 & A-3.  
Sh. S.K. Bhatnagar, Ld. Counsel for A-6.  
Sh. Anil Kumar, Ld. Counsel for A-2, A-7, A-10 & A-11.  
Sh. Amish Dabas, Ld. Counsel for A-19 alongwith A-19 in person through VC.  
Sh. R. Ramchandran, Ld. Counsel for A-12.  
Dr. Sushil Kumar Gupta, Ld. Counsel for A-5, A-8 & A-9.  
Sh. Amit Khanna, Ld. Counsel for A-17.

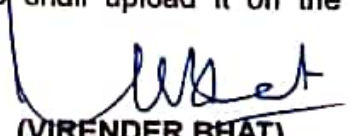
Hearing was conducted today through Video Conferencing on Cisco Webex Meeting Platform facilitated by the Ahlmad of the Court.

Written Submissions have been filed by Sh. Abhishek Prasad, Advocate on behalf of A-1 Narayan Diwakar & A-3 Gopal Singh Bisht.

Sh. Bhatnagar, Ld. Counsel for A-6 P.K. Thirwani submits that he has prepared the written submissions and would be sending those through Email ID of this court today itself.

As per the convenience of the Ld. Defence Counsels, the case shall be now taken up for oral submissions of the parties on 24.09.2020 (by way of physical hearing in court) and 26.09.2020 (through video conferencing).

The Ahlmad is directed to send the copy of the order to the Computer Incharge, RADDC, New Delhi who shall upload it on the official website of Delhi District Courts at the earliest.

  
(VIRENDER BHAT)  
SPL. JUDGE (PC ACT): CBI-16  
RADDC/ NEW DELHI/03.09.2020



Item No. 4  
CBI Case No. 242/2019  
CBI Vs. M. Waheed (Chinar CGHS)

03.09.2020.

**Present:-** Sh. Neetu Singh, Ld. PP for CBI.  
A-1 has already expired. Proceedings against him stand abated in view of order dt. 30.01.2019.  
Sh. Amish Dabas, Ld. Counsel fo A-2 alongwith A-2 in person through VC.  
Sh. D.B. Goswami, Ld. Counsel for A-3, A-4 & A-5.  
Sh. R.P. Shukla, Ld. Counsel for A-6.  
Sh. Rajiv Ranjan, Ld. Counsel for A-7.  
Sh. Anil Kumar, Ld. Counsel for A-8.

Hearing was conducted today through Video Conferencing on Cisco Webex Meeting Platform facilitated by the Ahlmad of the Court.

Written Submissions have been filed by Sh. Goswami Advocate on behalf of accused Sanjay Bajaj, Usha Chander & M. Omkaran.

At the request of the remaining Ld. Defence Counsels, adjourned for final arguments to 11.09.2020. They are at liberty to file written submissions, if they so desire, on or before 10.09.2020.

The Ahlmad is directed to send the copy of the order to the Computer Incharge, RADC, New Delhi who shall upload it on the official website of Delhi District Courts at the earliest.



(VIRENDER BHAT)  
SPL. JUDGE (PC ACT): CBI-15  
ROUSE AVENUE DISTRICT COURT  
NEW DELHI/03.09.2020