

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

BAIL APPL. 2819/2020

Reserved on : 04.12.2020

Date of Decision : 15.12.2020

IN THE MATTER OF:

KARUNAKARAN RAMCHAND

..... Petitioner

Through: Mr. Arvind Nigam, Sr. Advocate
with Mr. Varun Satiya and Mr.
Karma Dorjee, Advocates

Versus

ECONOMIC OFFENCE WING

..... Respondent

Through: Ms. Meenakshi Chauhan, APP for
State with Insp. Gurmail Singh,
EOW.
Mr. P.S. Singhal, Advocate
for the complainant

CORAM:

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI
(VIA VIDEO CONFERENCING)**

JUDGMENT

MANOJ KUMAR OHRI, J.

1. The present application has been filed under Section 438 Cr.P.C. on behalf of the petitioner seeking anticipatory bail in FIR No. 253/2018 registered under Sections 409/467/468/471/120B IPC at P.S. Economic Offences Wing, Delhi.
2. It was informed that on the basis of the present FIR, an ECIR bearing No. ECIR/MBZO-1/2/2019 has also been registered by the Directorate of Enforcement, Mumbai under Sections 44 and 45 of the

PMLA Act in which the petitioner along with other accused persons has been named and also alleged to have indulged in money laundering. The designated Court at Mumbai has also taken cognizance of the complaint. During investigation by the Enforcement Directorate, the petitioner came to be arrested on 19.06.2019 and since 28.06.2019, the petitioner is under judicial custody in the aforesaid ECIR.

3. In the present FIR, the petitioner has not been arrested till date.

4. Briefly, the facts of the case are that the present FIR came to be registered on 06.12.2018 at the instance of one *Ashish Begwani*, who being the Director and authorized representative of 'Enso Infrastructures Pvt. Ltd.' (hereinafter referred to as EIPL), made a complaint that in August, 2010, he met *Ravi Parthasarthy, Hari Sankaran, K. Ramchand, Mukund Gajanan Sapre* and *Sanjiv Krishan Rai* in Mumbai. In the said meeting, he was told that the company 'IL&FS Transportation Networks Ltd.' (hereinafter referred to as ITNL) being part of the IL&FS Group, was involved in developing, operating and facilitating surface transportation infrastructure projects. He was told that IL&FS group was a Government backed entity. He was, in particular, apprised of the Gurgaon Metro Project which was promoted by ITNL through 'Enso Rail Systems Ltd.', later came to be known as 'IL&FS Rail Ltd.' (hereinafter referred to as ILRL).

5. On such representation, the complainant agreed to invest. He was advised by *Ravi Parthasarthy, Hari Sankaran* and *Sanjiv Krishan Rai @ Sanjiv Rai* to invest in ILRL by purchasing shares of EIPL, which was a shareholder in ILRL. Resultantly, the complainant purchased shares of

EIPL worth Rs.90,35,43,780/-. By 10.03.2014, the complainant made further investment and was having shares worth Rs.99,72,93,680/-.

6. In September, 2014, the complainant met *Ravi Parthasarthy, Hari Sankaran, Ramesh C. Bawa, K. Ramchand* and *Mukund Gajanan Sapre*. Again, from October, 2014 to March, 2015, the complainant met the representatives of ITNL namely, *Krishna Ghag* and *Mukund Gajanan Sapre*. In these meetings, the shares of ITNL were offered to him and in this regard, an agreement was also executed on 23.03.2015. Thus, by March 2015, the complainant had invested a total of Rs. 170 crores in ILRL by:

- i) purchasing shares of EIPL
- ii) purchasing fresh shares during fresh allotment done by ILRL and;
- iii) purchasing shares sold by ITNL.

But in spite of that, he was not made a Director in ILRL and kept in dark about the affairs of the company.

7. It was further stated that in May, 2018, the complainant came across certain demand notices and assessment orders issued on 31.12.2016 and 23.03.2017 by the Income Tax Department to ILRL with respect to assessment years 2014-15 and 2015-16 wherein, it was observed that ILRL had not only issued bogus contract orders to one M/s Silverpoint Infratech Limited but also made payments even though no work was executed by that company. Similar bogus contracts were awarded to other companies as well and payments were also made.

The aforesaid facts were neither mentioned in the balance sheet nor in the Directors Report for the year ending 31.03.2017. He thus

claimed that ILRL, in collusion with other accused, awarded bogus work orders without first issuing any tenders. The payments released were nothing but accommodation entries resulting in benefits to the accused persons. A total of 22 accused have been implicated in the FIR.

8. Mr. Arvind Nigam, learned Senior Counsel for the petitioner while appearing for the petitioner, has made the following submissions: -

A) That the petitioner is a qualified Civil Engineer with Post Graduate Diploma in Planning, Urban and Transportation. The petitioner joined 'Infrastructure Leasing & Financial Services Limited' (IL&FS) as an Assistant Vice-President and later, was sent on deputation to ITNL, where he continued as Managing Director till October, 2018, when he was asked to resign.

B) The complainant's allegation of being allured to invest and purchase shares of EIPL by the petitioner in specific and by the accused persons in general, is nothing but a falsehood and an afterthought. The same is evident from the following facts:

- i) The petitioner neither met the complainant in August, 2010 nor enticed him in any manner. The complainant has not mentioned the name of the petitioner for the subsequent meetings.
- ii) The complainant had acquired shares of EIPL from the secondary market from June/September, 2010 onwards. The petitioner in fact, had shown displeasure and condemned the entry of the complainant's company in ILRL vide emails dated 21.11.2011 and 22.11.2011, which were sent by him to *Sanjiv Krishan Rai*, who was the Managing Director of ILRL. Reference

was also made to the show cause notice dated 15.11.2018 issued by the Income Tax authorities to contend that the complainant himself is of dubious character.

iii) The complainant had agreed that *R.L. Kabra* would continue as a Director in ILRL on behalf of EIPL.

C) The allegations of awarding bogus contracts by ILRL to the 10 companies from 2010 onwards involving an amount of approx. Rs. 94 crores, are unsubstantiated because:

i) The contracts were approved by a 'Committee of Directors', which comprised of *R.L. Kabra, Mukund Gajanan Sapre and Sanjiv Krishan Rai*. Further, the award of contracts did not have the approval of the Board.

ii) During petitioner's tenure as the Director of ILRL, only two contracts were awarded by the 'Committee of Directors' to M/s Suryamukhi Projects Pvt. Ltd. and M/s AMR Constructions Pvt. Ltd. So far as the bills of M/s AMR Construction Pvt. Ltd. are concerned, the same were approved by *Sanjiv Krishan Rai* and were not approved by the Board of Directors. The payments were not endorsed by the petitioner but by *Sanjiv Krishan Rai and Paritam Kumar*.

iii) The payments to the abovesaid two companies were released over a period of time including after petitioner's resignation. Even otherwise, the same, at best, may amount to only lack of supervision by the petitioner.

D) The petitioner had no role to play in the award of contracts either

to *Sanjiv Krishan Rai* or to his company M/s. SRKK Advisors Pvt. Ltd. as both the 'letters of appointment' dated 24.03.2015 were signed by *Mukund G. Sapre* and not by the present petitioner.

E) There are no allegations that the petitioner was the beneficiary, in any manner. In this regard, reference was made to the Status Report as well as the proceedings instituted by the complainant company before the NCLT, Chandigarh, where the petitioner has not even been impleaded. Even though the said proceedings were instituted after the present complaint was filed on 06.08.2018 but no averment was made that the petitioner had induced the complainant to purchase shares of EIPL.

F) The Investigating Officer has already interrogated the petitioner twice on 20.02.2020 and 21.02.2020 in Arthur Road Jail at Mumbai and thereafter, no step has been taken to interrogate the petitioner any further.

G) The FIR is registered after a delay of almost 4 years as the transactions relate to the years 2010-2014.

H) Lastly, it was stated that the petitioner is 65 years of age and the co-accused persons namely, *R.L. Kabra* and *Mukund G. Sapre* have already been released on bail against whom charge sheet also has been filed.

9. Ms. Meenakshi Chauhan, learned APP for the State, duly assisted by learned counsel for the complainant, has vehemently opposed the bail application. It was submitted that the petitioner had joined IL&FS in the year 1994. He remained associated with ILRL since 2009 and resigned as a Director only on 27.01.2011. The petitioner remained associated with ITNL since 2008 as a Managing Director and resigned only in October,

2018. ITNL was the promoter company of ILRL and its majority shareholder. ITNL & ILRL had a written agreement to the effect that that any sub-contracting would be done with the consent of ITNL. Both *Mukund G. Sapre* and *Sanjiv Krishan Rai* used to report to the present petitioner, who was the Managing Director of ITNL.

10. It was further submitted that the petitioner along with others had enticed the complainant to invest in ILRL. Despite the complainant purchasing shares of ILRL by taking over the EIPL, he was deliberately not allowed to become a Director. The petitioner conspired with other co-accused persons to defraud not only the complainant but the other shareholders of ILRL as well.

11. The bogus contracts were awarded during the petitioner's tenure. Even if only two contracts were awarded during his tenure as a Director of the ILRL, but all the 10 contracts, worth approx. Rs. 94 crores, were awarded while he was the Managing Director of the ITNL. During investigation, the statements of officers of ILRL namely, *Hukum Singh Chaudhary* and *Bindeshwar Prasad*, who were in-charge of the site, were recorded under Section 161 Cr.P.C., in which they stated that they had never heard of those 10 companies, to whom work was awarded and no work was executed by any of the companies. On inspecting the work orders, which related to clearance of land, no details of the affected shopkeepers or the description of the encroachment were found. The work contracts were awarded without signing any contract or taking any performance guarantee. Further, the work was awarded without inviting any tender.

12. It was also submitted that the contracts to *Sanjiv Krishan Rai* and his company M/s SRKK Advisors Pvt. Ltd. were also awarded while the petitioner was the Managing Director of ITNL. Though *Sanjiv Rai* retired from ILRL on 31.03.2015, an amount of Rs.3 crores was initially transferred as advance from the account of ITNL on 25.03.2015 and the remaining Rs.3 crores were transferred within the course of 1 year till 31.03.2016.

13. It was next submitted that the petitioner has not cooperated in the investigation and has not disclosed the names of other conspirators and ultimate beneficiary of the 10 bogus contracts awarded qua which investigations are still pending. He also did not provide any justification to award of contracts to *Sanjiv Rai* and his company. The petitioner needs to be confronted with other accused persons, which is possible only during custodial interrogation as other accused have given contradicted versions. The petitioner could not be interrogated further on account of restriction caused by COVID-19 and the petitioner is in a position to influence the witnesses.

14. Lastly, it was submitted that the petitioner cannot claim any parity with either *R.L. Kabra* or *Mukund G. Sapre*, as they were admitted to regular bail after they had spent considerable time in the judicial custody. The co-accused namely, *Sanjiv Rai* and *Ravi Parthasarthy* are still absconding. The petitioner's bail application bearing no. 361/2020 seeking regular bail in the ECIR bearing No. ECIR/MBZO-1/2/2019 has been dismissed by the Bombay High Court vide order dated 29.10.2020.

15. In rebuttal, Mr. Nigam, learned Senior Counsel for the petitioner,

has submitted that the dismissal of petitioner's bail in the ED case was on entirely different parameters. It was additionally submitted that the sanction granted for investigations conducted by the SFIO has already been quashed by the Bombay High Court on account of non-application of mind. In both of the above cases, the SLP is preferred before the Supreme Court.

16. Before proceeding further, I deem it apposite to refer to the relevant parameters, as culled from various judicial pronouncements, to be kept in mind, at the time of consideration of an anticipatory bail application.

17. The Supreme Court in Siddharam Satlingappa Mhetre v. State Of Maharashtra And Ors. reported as (2011) 1 SCC 694, laid down the following parameters that need to be taken into consideration while dealing with the anticipatory bail:

(a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

(b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(c) The possibility of the applicant to flee from justice;

(d) The possibility of the accused's likelihood to repeat similar or other offences;

(e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;

(f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in

which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because overimplication in the cases is a matter of common knowledge and concern;

(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(i) The court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

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18. Recently, the Supreme Court, in Sushila Aggarwal v. State (NCT of Delhi) & Anr. reported as **(2020) 5 SCC 1**, while answering the reference, reiterated the parameters/consideration to be kept in mind while considering an anticipatory bail application. The conclusions relevant for the purpose of the present application are reproduced as follows:

“92. *This Court, in the light of the above discussion in the two judgments, and in the light of the answers to the reference, hereby clarifies that the following need to be kept in mind by courts, dealing with applications under Section 438 CrPC:*

92.1. *Consistent with the judgment in Gurbaksh Singh Sibbia v. State of Punjab [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] , when a person complains of apprehension of arrest and approaches for order, the application should be based on concrete facts (and not vague or general allegations) relatable to one or other specific offence. The*

application seeking anticipatory bail should contain bare essential facts relating to the offence, and why the applicant reasonably apprehends arrest, as well as his side of the story. These are essential for the court which should consider his application, to evaluate the threat or apprehension, its gravity or seriousness and the appropriateness of any condition that may have to be imposed. It is not essential that an application should be moved only after an FIR is filed; it can be moved earlier, so long as the facts are clear and there is reasonable basis for apprehending arrest.

92.2. *It may be advisable for the court, which is approached with an application under Section 438, depending on the seriousness of the threat (of arrest) to issue notice to the Public Prosecutor and obtain facts, even while granting limited interim anticipatory bail.*

92.3. *Nothing in Section 438 CrPC, compels or obliges courts to impose conditions limiting relief in terms of time, or upon filing of FIR, or recording of statement of any witness, by the police, during investigation or inquiry, etc. While considering an application (for grant of anticipatory bail) the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses), likelihood of fleeing justice (such as leaving the country), etc. The courts would be justified — and ought to impose conditions spelt out in Section 437(3) CrPC [by virtue of Section 438(2)]. The need to impose other restrictive conditions, would have to be judged on a case-by-case basis, and depending upon the materials produced by the State or the investigating agency. Such special or other restrictive conditions may be imposed if the case or cases warrant, but should not be imposed in a routine manner, in all cases. Likewise, conditions which limit the grant of anticipatory bail may be granted, if they are required in the facts of any case or cases; however, such limiting conditions may not be invariably imposed.*

92.4. *Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a*

matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

19. From a conjoint reading of the rival submissions, at the cost of repetition, the following facts emerge which are relevant for the purpose of consideration of the bail application:

- i) Admittedly, the petitioner was the Managing Director of ITNL and was made to resign in October, 2018. He also served as a Director in ILRL till 27.01.2011.
- ii) The complainant had started acquiring shares from the secondary market in the accused company from September, 2010 onwards however, the emails exchanged between the petitioner and co-accused *Sanjiv Rai*, condemning the purchase of shares by the complaint company, are dated 21.11.2011 and 22.11.2011.
- iii) The petitioner, in his capacity as Chairman, conducted a meeting of the Board of Directors of ILRL and as per Minutes of Meeting dated 09.02.2010, a ‘Committee of Directors’ (COD) was constituted, which was authorized to recommend for finalization of contracts to the Board.
- iv) The COD awarded contracts (alleged to be bogus contracts) for the purpose of land clearance, as detailed in the Status Report, to the following 10 companies:

S. No	Name of the Company	Gross Total amount as per WO (a)	Period of amount paid from to	Gross TDS/Building Cess/WCT deducted (b)	Gross Total Amount Paid (a)-(b)

1.	M/s Silverpoint Infratech Ltd.	218,800,000	15.07.2013	07.04.2014	15,753,600	203,046,400
2.	Suryamukhi Projects Pvt. Ltd.	18,988,554	21.7.2010	18.05.2011	180,173	18,808,381
3.	AMR Constructions Ltd.	85,650,701	06.09.2010	09.05.2011	2,046,199	83,604,502
4.	NKG Infrastructure Ltd.	130,566,480	03.09.2011	20.12.2011	3,916,994	126,649,486
5.	NKC Projects Pvt. Ltd.	109,450,652	30.04.2013	30.05.2013	7,280,446	102,170,206
6.	Ethical Constructions Pvt. Ltd.	23,000,000	30.05.2013	30.05.2013	1,656,000	21,344,000
7.	Prathyusha Resources & Infra Pvt. Ltd.	58000,000	30.05.2013	30.05.2013	1,656,000	5,3824,000
8.	ARSS Infra Projects Ltd.	117,200,000	04.12.2013	18.07.2014	8,622,400	108,577,600
9.	Divyanshi Infra Projects Ltd.	130,200,000	13.03.2014	16.06.2014	9,763,200	120,436,800
10	Sagar Infra Rail International Ltd.	10,92,00,000	28.2.2011	4.4.2011		10,92,00,000
	Total	100,1056387			53,395,012	94,7661,375

v) The abovesaid work was awarded without inviting any tender and without signing any contract and seeking performance guarantee, etc.

vi) During the petitioner's tenure in ILRL, as per the Minutes of Meeting of COD dated 17.09.2010, the contracts were awarded to M/s Suryamukhi Projects Pvt Ltd. and M/s AMR Constructions Pvt Ltd for Rs. 1.75 crores and Rs. 2.48 crores respectively. The amounts were released to the abovesaid companies from 21.07.2010 onwards and

06.09.2010 onwards respectively.

vii) During investigation, it was found that neither M/s Suryamukhi Projects Pvt Ltd. nor M/s AMR Constructions Pvt Ltd were given any approval by the Board.

viii) The first bill dated 21.07.2010 of M/s Suryamukhi Projects Pvt Ltd. was approved by *Sanjiv Rai*. *Jagdish Prasad*, CFO endorsed that as per *Sanjiv Rai*, it had the approval of the Board.

ix) As per the statements of *Hukum Singh Chaudhary*, Vice President (Civil work) and *Bindeshwar Prasad*, Site Engineer who were in-charge of the site, no work was carried at the site by any of the abovesaid 10 companies including M/s Suryamukhi Projects Pvt Ltd. and M/s AMR Constructions Pvt Ltd. Also, no details of the works carried out were found mentioned in the documents seized during investigation.

x) Both *Sanjiv Rai* and *Mukund G. Sapre* were reporting directly to the petitioner.

xi) During the petitioner's tenure as the Managing Director of ITNL, *Sanjiv Rai* and his company were awarded contracts worth Rs. 6 crores for advising ITNL on its Rail business on 24.03.2015 i.e., six days before his retirement.

xii) The Investigating Officer could interrogate the petitioner only twice i.e., on 20.02.2020 and 21.02.2020 at Arthur Jail, Mumbai during which the petitioner is stated to have not cooperated. Thereafter, on account of COVID-19 pandemic, further investigation could not be done.

xiii) The Investigating Officer has pressed for custodial interrogation to find out the end user/beneficiary of the siphoned off public money of Rs.

94 crores.

xiv) The complaint itself was filed on 06.08.2018 resulting in registration of the FIR on 06.12.2018. The petitioner was made to resign from his position as Managing Director in October, 2018.

xv) The present is not a simpliciter case of commercial transaction gone bad between two individuals but of siphoning off the public money.

xvi) The petitioner's regular bail application in the ECIR case has been rejected by the Bombay High Court on 29.10.2020.

xvii) The co-accused *R.L. Kabra* was released on regular bail after considering his medical condition. *Mukund Sapre* was also released on regular bail after spending considerable time in custody.

20. The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest. [Refer: State of Gujarat v. Mohanlal Jitmalji Porwal & Another reported as (1987) 2 SCC 364.]

21. While emphasizing the need of custodial interrogation, the Supreme Court, in State Rep. By The CBI v. Anil Sharma reported as

(1997) 7 SCC 187, held as under:

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order Under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all Accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

22. Recently, the aforesaid view was reiterated by the Supreme Court in P. Chidambaram v. Directorate of Enforcement reported as (2019) 9 SCC 24, where, while relying on its decision in Anil Sharma (Supra), while rejecting the anticipatory bail application, it was held as under:

“78. Power under Section 438 Code of Criminal Procedure being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society....

83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the Accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the Accused knows that he is

protected by the order of the court....”

23. The alleged acts were committed when the petitioner was assuming office as a Director of ILRL and also as the Managing Director of ITNL. The ‘Committee of Directors’, which awarded the contracts, was constituted under the Chairmanship of the petitioner. The two contracts to M/s Suryamukhi Projects Pvt Ltd. and M/s AMR Constructions Pvt Ltd. were awarded during the petitioner’s tenure in ILRL. In fact, the petitioner was the Managing Director of ITNL when all the 10 alleged bogus contracts were awarded. The petitioner’s knowledge and involvement in the alleged awarding of contracts cannot be ruled out. The investigation qua the petitioner as well as the real beneficiaries of the siphoned off amount is still pending. Apparently, the money that is alleged to be siphoned off is public money and the offence is grave in nature. Indeed, the Investigating Officer has interrogated the petitioner twice, however looking at the gravity of the offence and the aspect of pending investigation relating to finding out the real beneficiaries of the siphoned off money, this Court finds itself in disagreement with the submission that no more interrogation in custody is required. Equally, the petitioner’s submission that it could be only a case of lack of supervision on his part, is not convincing as both *Sanjiv Rai* and *Mukund G. Sapre* were reporting directly to the present petitioner. Further, this Court cannot overlook the submission made on behalf of the State that the petitioner had occupied the highest office and as such, the risk of his tampering with the evidence and influencing the witnesses also cannot be completely ruled out. The other co-accused

namely *R.L. Kabra* and *Mukund Sapre* have been released on regular bail and as such, the petitioner cannot claim parity with them. The Court, in these facts and circumstances, cannot turn down the prayer of the Investigating Officer seeking custodial interrogation. Accordingly, the petitioner's bail application is dismissed.

24. Needless to state that the observations made hereinabove are only *prima facie* and shall have no bearing on the merits of the case.

(**MANOJ KUMAR OHRI**)
JUDGE

DECEMBER 15, 2020

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