

Bail Matter No.263/2024
CBI vs Abhishek Gupta
RC 0482024S0008, CBI, SC-I, New Delhi
U/s. 105, 106 (1), 115 (2), 290, 3 (5) of BNS 2023.

07.12.2024

Present: Sh. Prashant Kumar, Ld. Sr .PP for CBI

Sh.Abhijit Anand, Ms.Prachi Mittal and Ms.Tisha Kaushik, Ld. Counsel for J. Dalvin Suresh, father of deceased Nevin Dalvin.

Sr. Advocate Ms.Rebecca John along with advocates Ms.Sanya Sud, Sh.Pravir Singh and Sh.Hunar Malik for applicant Abhishek Gupta.

The present application has been moved on behalf of applicant Abhishek Gupta seeking regular bail/ extension of interim bail. However, regular bail application has already been pending before this court and therefore, the new application be attached with the old application (No.200/2024).

The matter has been challenged before the High Court of Delhi by the accused on account of imposition of condition of payment of Rs.2.5 crores wherein High Court vide its order dated 29.11.2024 has made the following order:-

“In the meantime, in view of the orders of the Supreme Court in SLP No.14851-14854/2024 titled as Parvinder Singh & Ors. Etc. v. Central

Bureau of Investigation, the direction of learned Trial Court as contained in Para-70 of order dated 23.09.2024 for deposit of Rs.2.5 Crore till 30.11.2024 with Red Cross Society shall remain stayed qua the petitioner.

Also the High Court in the same matter, where owners of the building have approached for grant of regular bail, extended their interim bail till 21.01.2025. The matter of payment of compensation as ordered against the owners, has been stayed by the Supreme Court.

On behalf of victim, Counsel Sh.Abhijit Anand has submitted that they have also filed petition before the High Court challenging the interim bail granted by this court and the same is fixed for 09.12.2024 and interim bail should not be extended. Reliance is placed upon following judgments:-

1. Sunil Fulchand Shah vs Union Of India & Ors, (2000) 3 SCC 409.
2. Narendra K. Amin (Dr.) vs State of Gujarat & Anr. (2008) 13 SCC 854.
3. Athar Pervez vs State, 2016 SCC OnLine Del 6662
4. Arvind Kejriwal vs. Directorate of Enforcement, SLP (Crl) No.5154/2024 dated 10.05.2024.
5. X vs State of Rajasthan & Anr., Special Leave Petition (Criminal) No.13378 of 2024.

-3-

It is submitted on behalf of CBI that charge-sheet has already been submitted and cognizance has been taken by the court of Ld. ACJM, Rouse Avenue, while the further investigation is pending.

Taking overall view of the matter, particularly the fact that High Court of Delhi and Supreme Court of India has seized of the matter with respect to the interim bail as well payment of compensation and in view of the stay granted by the High Court vide its order dated 29.11.2024, the present matter is kept pending for further consideration for 31.01.2025.

The interim bail is extended till the said date.

(Anju Bajaj Chandna)
Principal District & Sessions Judge-
cum-Special Judge (PC Act) (CBI),
Rouse Avenue District Court
New Delhi/07.12.2024