



2025:DHC:2837



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

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*Date of Decision: 23.04.2025*

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**BAIL APPLN. 3886/2024 & CRL.M.A. 32117/2024 (stay)****KULDEEP**

.....Petitioner

Through: Mr. Anjani Kumar Rai, Advocate

versus

**CENTRAL BUREAU OF INVESTIGATION (CBI) .....Respondent**Through: Ms. Anubha Bhardwaj, SPP, CBI  
with Ms. Mehak Arora, Advocate  
with Pratik Kumar, PI, CBI**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks anticipatory bail in a case for offence under Section 61(2) of BNS and Sections 7, 7A, 8 and 12 of the Prevention of Corruption Act.

2. Broadly speaking, according to prosecution, on the basis of an information, CBI carried out a raid in the premises of Inland Container Depot, Tughlakabad in which two public servants and three non-public servants were arrested on the spot. It is further alleged that the accused/applicant, who is a non-public servant, fled the spot. The role ascribed to the accused/applicant is that he was working as a tout for



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handing over bribes to the public servants for clearance of import-export consignments at ICD.

3. Learned counsel for accused/applicant submits that no specific role has been assigned to the accused/applicant in the RC registered by CBI. It is also contended by learned counsel that the accused/applicant is innocent and has been falsely implicated in this case.

4. On the other hand, learned SPP for CBI submits that the accused/applicant has been specifically named in the RC and his role as a tout is clearly depicted in the audio recordings, as his phone was lawfully tapped. It is also submitted by learned SPP that the accused/applicant got recovered cash sum of Rs. 19,00,000/- from his premises. It is further submitted that the accused/applicant has not handed over his mobile phone to the Investigating Officer despite being called upon.

5. In rebuttal, learned counsel for accused/applicant submits that the cash amount recovered from his residence was the amount of chit fund committees operated by his father and also the loan amount which his father used to advance to his clients. As regards the mobile phone of the accused/applicant, it is contended that the same got misplaced and since it was not in a working condition, the accused/applicant did not get any police complaint lodged.



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6. In response to a specific query, learned counsel for accused/applicant submits that he is not able to disclose as to why the accused/applicant would be falsely implicated in such kind of a case.

7. The RC registered by CBI specifically names the accused/applicant. I have gone through the transcripts of audio recordings of conversation between the accused/applicant and some unknown person, which *prima facie* show his complicity in the crime. As further submitted by learned SPP, custodial investigation is necessary in this case in order to ascertain the identity of the person with whom the accused/applicant was talking, as depicted in the audio recordings and further, even voice sample of the accused/applicant is required to be taken. Besides, the explanation advanced on behalf of the accused/applicant for his not handing over his mobile phone to the Investigating Officer *prima facie* fails to inspire confidence.

8. Keeping in mind the nature of offence and stage of investigation, I do not find it a fit case to grant anticipatory bail. Therefore, the application is dismissed.

**GIRISH KATHPALIA**  
**(JUDGE)**

**APRIL 23, 2025**  
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