

STATE Vs. ANISH GUPTA
FIR No. 197/2024
PS Lajpat Nagar
U/s 420/406/120B/ IPC

राहुल जैन
राज्यीक दरबारी वक्तव्य बोर्डी-01 द.प.
Judicial Magistrate First Class-01 South East
कमर नं. 514, साकेत न्यायालय परिसर, नई दिल्ली
Room No. 514, Saket Court Complex, New Delhi

07.01.2025.

Present: Mr. Vijay Dagar, Ld. APP for the state.
Accused Anish Gupta produced after fresh arrest.
Mr. Trideep Pai, Ld. Sr. Counsel for the accused through
VC.
Mr. Ansh Singh Luthra, Mr. Harmanpreet Singh Kholi,
Mr. Madhav Kumar, Mr. Manmeet Singh, Ld.
Counsels of the accused.
IO SI Satish in person.

An application is moved on behalf of the IO seeking 02 days
PC remand of the accused.

Ld. Counsels for the accused has moved an bail application
U/s 480 BNSS.

Ld. Counsels for the accused has opposed the application
submitting that the offence punishable with maximum 7 years
imprisonment and he has not defaulted of any of the single notice
whenever he has been asked to join the investigation. He has further
shown whatsapp correspondence between the accused and IO in which it
is claimed that the accused has replied to the Notice U/s 91/94 BNSS and
the IO has indicated the accused to join the investigation.

IO submits that notices U/s 91 and notice U/s 41 has been
issued to the accused but accused has not replied properly to it. He
further submits that the accused is not cooperating with the investigation
and giving evasive replies which is hampering the investigation.

Ld. Counsels for the accused submits that accused cannot be
forced to give self incriminating evidence by the IO. The transaction is of
2013 and it is reasonable to accused to not remember every details of the
transaction and it appears that IO has arrested the accused as vindictive

.....contd/-



measure at the behest of the complainant. He further submits that accused is ready to cooperate with the investigation.

IO submits that some electronic device, ledger accounts and some other documents are yet to be recovered from the accused.

Submissions heard.

I have perused the file.

The accused has been cooperating with the IO U/s 41/35A BNSS by joining the investigation. Accused further submits that he is ready to join the investigation. Just because the accused is not giving self incriminating answer it does not mean that accused is not cooperating with the investigation.

The accused has a fundamental right under article 20(3) of the Constitution to remain silent.

Accordingly, accused is granted bail on the following conditions :-

- i) *That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him to disclose such facts to the court or to any other authority;*
- ii) *That he shall not indulge into similar offence or any other offence in the event of release on bail;*
- iii) *That he shall not tamper with evidence in any manner;*
- iv) *That in case of change of his residential address, he shall intimate the court about the same;*
- v) *That he shall regularly appear before the court on each and every date of hearing;*

Accused be released on bail on furnishing the bail bond and surety bond for the sum of Rs.30,000/- each. Accordingly, the present application stands disposed off.

Copy of this order be given dasti to Ld. Counsel.



(RAHUL JAIN)

JMFC-01 (South-East):Saket Courts
New Delhi : 07.01.2025.

Judicial Magistrate First Class-01, S.E
New Delhi

