

MHCC020138912022

**IN THE SPECIAL COURT FOR CBI AT GREATER BOMBAY****BAIL APPLICATION NO. 657/2022***(Case No.RC 0262022A0016 of CBI, ACB, Mumbai)***Sonu Bura s/o. Kuldeep Singh** ...Applicant/Accused

V/s

CBI, ACB, Mumbai

....Respondent.

**CORAM: S.P.NAIK-NIMBALKAR  
SPECIAL JUDGE (CBI)  
(COURT ROOM NO.51)****DATED: 14.10.2022.**

Ld. Adv. Mr Zishan Quazi for accused.

Ld. PP Mr.Soni for CBI/ACB.

**ORAL ORDER**

1. Accused Sonu Bura s/o. Kuldeep Singh has filed bail application u/s.439 of Cr.P.C. An FIR bearing CR RC0262022A0016 came to be registered by the CBI, ACB, Mumbai on 7.10.2022 u/s. 7 of Prevention of Corruption Act,1988 (As amended in 2018) (hereinafter shall be referred to as "P.C. Act"). The accused was arrested on 7.10.2022. He was produced on 8.10.2022 before this court. He was remanded to PCR for three days. Thereafter, he was remanded to judicial custody since 11.10.2022.

2. It is the case of the prosecution that, the applicant is a public servant working as Labour Enforcement Officer in the Labour

and Enforcement Department. It is alleged that, the accused had demanded Rs.15,000/- from the complainant as undue advantage in order to not to inspect the document of the company as well as to allow smooth functioning of the company's business. The applicant/accused agreed to accept a reduced amount of Rs.10,000 from the complainant. On 7.10.2022, ACB trap team laid a trap and nabbed the accused red handed for accepting unlawful gratification of Rs.10,000. The tainted currency notes were recovered from the office of his cabin.

3. The bail is sought on the grounds that, the accused is falsely implicated. Nothing was recovered from the residence or native place of the accused. There was no live contract between the accused and the complainant. The company of the complainant was not within the jurisdiction of the applicant. Therefore, the theory of demand is fabricated. The applicant cannot be kept in custody. There is no evidence to support recovery of Rs.10,000/- from the personal search of the accused, so accepted as unlawful gratification. The accused is ready and willing to assist the investigation agency. He would not flee. He has roots in society. He has no criminal antecedents to his discredit. Hence, on all these grounds, it is prayed that the applicant/ accused may be released on bail.

4. The CBI has submitted reply at Exh.2. CBI has strongly opposed the bail application. The objections of the CBI are that, the recorded conversation between the complainant and the accused also confirms the demand. The tainted currency notes of Rs.10,000 were recovered from the office cabin of the accused, from his packet, in presence of the panch witnesses. The accused is a public servant. There

is possibility that, if bail is granted, the accused will make efforts to influence the complainant and other witnesses, which would be against the interest of the fair investigation and presence of the accused in the J.C. is required for completion of the investigation.

5. Heard both sides. Ld. Adv. Mr Zishan Quazi has submitted along the line of his contentions. He has further submitted that the accused has to take care of his paternal uncle who is suffering from cancer and frequently visits Mumbai for his cancer treatment. Therefore, bail may be considered on both these grounds.

6. Ld. PP Mr. Soni has opposed the contentions of the accused and has submitted along the line of his submissions.

7. It is to be decided, as to whether the accused is entitled to be released on bail pending investigation u/s. 439 of Cr.P.C.? As per FIR and case record, it is the case of the prosecution that, initial demand of Rs.15,000/- was made by the accused and later on after negotiations it was reduced to Rs.10,000/- and he was caught red handed in the trap proceedings conducted by the CBI at his office on 7.10.2022. Recovery of tainted currency notes was done from the accused. The accused was granted three days P.C. It is on record that, his voice samples were collected. It is also on record that, personal search, residence search and search at his native place is done. There are no particulars of any sort of investigation, yet pending with the accused and for that, physical custody would not require and is not necessary.

8. No criminal antecedents of the accused are cited. The accused is shown to be residing at Chembur, Mumbai. He has undertaken to cooperate with the investigation agency. Thus, considering the nature of the offence, gravity of allegations, criminal antecedents of the accused and totality of the circumstances, a case is made out by the accused for bail. However, considering the apprehension of the CBI that, he would tamper with the prosecution witnesses and evidence, certain conditions are necessary to be imposed on him. Hence, the following order :-

**ORDER**

- 1 Bail Application No.657 of 2022 is allowed.
- 2 Applicant/ accused **Sonu Bura s/o. Kuldeep Singh** shall be released on his executing PR and SB bond of 25,000/- (Rs. Twenty five thousand only), with one or two sureties in the like amount.
- 3 The applicant/accused shall furnish his permanent residential proof to the CBI and shall not change his address till conclusion of trial.
- 4 The applicant/accused shall also produce the proof of his identities and proofs of residence at the time of executing bail bonds. Accused to submit residential proof of two relatives or local contacts, residing in Mumbai.
- 5 The applicant/accused shall not contact the prosecution witnesses in any manner and will not tamper with the prosecution evidence.
- 6 The applicant/accused shall not leave India without prior permission of the Court.
- 7 The applicant/accused shall not commit any offence while on

bail.

- 8 Ld. Advocate for the applicant/accused is directed to inform the above conditions to the applicant/accused for compliance.
- 9 In case of breach/default of any of the above condition by the applicant/ accused, it would be viewed seriously and it would entail cancellation of bail granted to the applicant/ accused.
- 10 On request of the accused, he is directed to deposit Rs.25,000/- cash security in lieu of executing surety bond u/s.445 of Cr.P.C. Office to accept the cash on proper identification.
- 11 Office to accept the cash after treasury hours.
- 12 Applicant/accused is directed to furnish surety bond within next four weeks.
- 13 Bail Application stands disposed off accordingly.

Date 14.10.2022



**(S.P.NAIK-NIMBALKAR)**  
**Special Judge (CBI)**  
**Gr. Bombay (CR 51).**

Dictated on 14.10.2022  
Transcribed on 17.10.2022  
Signed by HHJ on 17.10.2022

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

Date:-17.10.2022 at 5.35 pm  
UPLOAD DATE AND TIME

(Nitin V. Ubale)  
Selection Gr. Stenographer(Gr.1)

Name of the Judge (With Court room no.)	H.H.J. Shri. S. P. Naik-Nimbalkar (C.R. No. 51)
Date of Pronouncement of JUDGMENT/ ORDER	14.10.2022
JUDGMENT/ORDER signed by P.O. on	17.10.2022
JUDGMENT/ORDER uploaded on	17.10.2022