

IN THE COURT OF VIKAS DHULL, SPECIAL  
JUDGE (PC ACT) (CBI)-23 (MPs/MLAs Cases),  
ROUSE AVENUE DISTRICT COURTS, NEW DELHI

Bail Matter No.146/2023  
CNR No. : DLCT11-000576-2023  
Jagdish Tytler Vs. CBI  
FIR NO: RC.23(S)/2005/CBI/SC-1/New Delhi

Date of filing the bail application : 01.08.2023  
Date on which order reserved : 02.08.2023  
Date on which order pronounced : 04.08.2023

**BAIL ORDER**

1. Vide this order, I shall dispose of an application filed by applicant/accused Jagdish Tytler for grant of anticipatory bail under Section 438 of Code of Criminal Procedure, 1973 (**hereinafter referred to as the "Cr.P.C."**).
2. The brief facts, which are relevant for deciding the present bail application are that following the assassination of Smt.Indira Gandhi, late Prime Minister of India, on 31.10.1984, communal riots had broken out in the country including the capital city i.e. New Delhi and various incidents were reported in the city of Delhi where members of the Sikh Community were killed and their property was burnt and vandalized. One such incident was reported in the PS of Bara Hindu Rao, Delhi wherein it was informed that three persons

namely Badal Singh, Sardar Thakur Singh and Gurcharan Singh were killed by the mob on 01.11.1984 by burning the aforementioned persons. In the said incident, two burnt dead bodies were recovered and third body was completely burnt and no remains of the same could be recovered. The Gurudwara at Azad market was also put on fire and regarding the said incident, FIR No. 316/84 was registered at PS Bara Hindu Rao, Delhi.

3. After completion of investigation, Delhi Police had filed chargesheet against 32 accused persons for the offence under Section 147/148/149/302/436/188/295 and 427 IPC. However, all accused persons were acquitted by Ld.Sessions Court vide judgment dated 10.04.1992. In the meanwhile, the Ministry of Home Affairs, Government of India, had vide notification dated 08.05.2000, appointed Hon'ble Justice G.T. Nanavati to inquire into the killings of Sikhs and thereafter Justice Nanawati Commission, had submitted its report on 09.02.2005 to the Government of India.
4. Based upon the recommendation made by Justice Nanawati Commission, the Central Government directed CBI to conduct investigation / re-investigation of cases against Jagdish Tytler and Others and accordingly, CBI had re-registered FIR No. 316/84 PS

Bara Hindu Rao, Delhi as RC No. 23(S)/2005-SCU-1 on 22.11.2005 and had taken up the matter for investigation.

5. The CBI after completion of investigation, filed the chargesheet against accused Suresh Kumar @ Panewala for the offence under Section 147/148/149/302/457/320/436/295 and 188 IPC. However, no action was recommended against present applicant/accused Jagdish Tytler in the said chargesheet by the CBI. Thereafter, the Ld.ACMM, Karkardooma Courts, vide order dated 18.12.2007 ordered for further investigation in the present case and in compliance of said order, first Supplementary Report dated 27.03.2009 was filed by CBI in the court of Ld.ACMM, Karkardooma Courts, Delhi wherein, again no action was recommended against applicant/accused Jagdish Tytler. The said report was accepted by the court of Ld.ACMM on 27.04.2010. However, Smt. Lakhwinder Kaur, wife of late Badal Singh (one of the person, who was killed in front of Gurudwara Pul Bangash in 1984) filed revision petition in the court of Sessions, Karkardooma Courts, Delhi and the said revision petition was allowed by Ms.Anuradha Shukla, Ld.ASJ, Karkardooma Courts, Delhi vide order dated 10.04.2013 and CBI was directed to conduct further

investigation in the case. In compliance of order of Ld.Revisional Court, CBI had taken further investigation and filed a Second Supplementary Report dated 24.12.2014 recommending that allegations levelled against applicant/accused Jagdish Tytler could not be corroborated.

6. In the meanwhile, trial against accused Suresh Kumar @ Panewala was concluded and he was acquitted of all the charges vide judgment of the Ld.ASJ dated 20.08.2014. However, Ld.ACMM, Karkardooma Courts, Delhi did not accept the Supplementary Report dated 24.12.2014 and vide order dated 04.12.2015, CBI was directed to conduct further investigation. In compliance of said order, CBI conducted further investigation and accordingly, filed the chargesheet dated 20.05.2023 against present applicant/accused Jagdish Tytler in the court of Ld.CMM, RADC, New Delhi for the offence under Section 147/148/149/153A/188/109 r/w 295/302/436 IPC and the Ld.CMM had further assigned this case to the Ld.ACMM-01, RADC, New Delhi vide order dated 02.06.2023.
7. Thereafter, Ld.ACMM-01, RADC, New Delhi after perusing the supplementary chargesheet and the previous record, had vide order dated 26.07.2023,

taken the cognizance and had summoned applicant/accused Jagdish Tytler for the aforementioned offences for 05.08.2023.

8. Applicant/accused Jagdish Tytler apprehends his arrest before Ld.ACMM-01, RADC, New Delhi, in case he appears before the said court on 05.08.2023 and accordingly, has filed the present application for grant of anticipatory bail under Section 438 Cr.P.C.
9. Notice of the said application was issued to Ld.PP for CBI, who on being served, filed a detailed reply.
10. I have heard Sh.Manu Sharma, Ld.counsel for applicant/accused Jagdish Tytler, Sh.Amit Jindal, Ld.PP for CBI and Sh.H.S.Phoolka, Sr.Advocate for complainant/victim. I have also summoned the trial court record and have carefully perused the same.
11. It was submitted by Ld.counsel for applicant/accused Jagdish Tytler that applicant/accused Jagdish Tytler had to approach this court seeking anticipatory bail as he stands summoned by the Ld.ACMM-01, RADC, New Delhi for the offence under Section 147 / 148/149/153A/188/109 r/w Section 302/295/427/436 IPC and applicant/accused Jagdish Tytler apprehends that in case, he appears before the Ld.ACMM-01, RADC, New Delhi, then he might be taken into custody as Ld.ACMM-01, RADC, New Delhi is not

competent to grant bail in an offence under Section 302 IPC.

12. It was further submitted that in the present case, applicant/accused Jagdish Tytler has been chargesheeted without arrest by the CBI and it is not the case of the CBI that applicant/accused Jagdish Tytler has not co-operated in the investigation or that there is any likelihood of applicant/accused Jagdish Tytler absconding. Therefore, there is no necessity of arresting applicant/accused Jagdish Tytler just because chargesheet has been filed against him before the Ld.ACMM-01, RADC, New Delhi. Accordingly, he has prayed for grant of anticipatory bail on this ground. In support of his submission, Ld.counsel for applicant/accused Jagdish Tytler has relied upon the judgment of the Hon'ble Supreme Court of India delivered in **Satender Kumar Antil Vs. Central Bureau of Investigation and Anr. Misc.Application No. 1849 of 2021 in Special Leave Petition (Crl.) No. 5191 of 2021 decided on 11.07.2022.**

13. It was further submitted that there is no material on record to show that applicant/accused Jagdish Tytler was involved in the alleged offence. It was submitted in this regard that in the initial FIR No. 316/1984,

applicant/accused Jagdish Tytler was not named as an accused and the chargesheet was filed against 32 accused persons. It was further submitted that even in the supplementary chargesheet dated 12.01.1992 filed by Delhi Police, there was no mention of present applicant/accused Jagdish Tytler. It was further submitted that in the chargesheet filed by CBI on 28.09.2007 and in the two supplementary final reports filed by CBI on 27.03.2009 and 24.12.2014, no action was recommended against present applicant/accused Jagdish Tytler.

14. It was further submitted that in the previous chargesheet dated 28.09.2007 and two supplementary final reports dated 27.03.2009 and 24.12.2014, CBI has repeatedly given a clean chit to applicant/accused Jagdish Tytler but now has filed the chargesheet against present applicant/accused Jagdish Tytler after a gap of almost 40 years by taking a contrary stand to their earlier closure reports favouring applicant/accused Jagdish Tytler.

15. It was further submitted that chargesheeting of applicant/accused Jagdish Tytler after a gap of 40 years is politically motivated and the said fact is made out from a complete u-turn by CBI from earlier stand wherein they were filing closure reports or not

recommending any action against the present applicant/accused Jagdish Tytler.

16. It was further submitted that as per the chargesheet filed by the CBI, three eye witnesses had been cited, who had allegedly seen applicant/accused Jagdish Tytler at the spot. It was further submitted in this regard that out of the three witnesses, statement of one witness was recorded earlier in the cancellation report dated 27.03.2009 wherein said witness had not stated anything against the present applicant/accused Jagdish Tytler regarding his involvement in the present case. However, CBI is now relying upon the statement of said witness which will lead to grave miscarriage of justice.

17. It was further submitted that in the cancellation report filed by CBI on 27.03.2009, CBI had relied upon a DVD to come to a conclusion that applicant/accused Jagdish Tytler was not involved in the present case, It was further submitted that said DVD pertained to recordings of Teen Murti Bhawan where dead body of late Prime Minister was kept for "Antim Darshan" and in the said DVD, applicant/accused Jagdish Tytler is seen present on 01.11.1984 at Teen Murti Bhawan from 10.00 a.m. till 6.00 p.m. in the evening. Therefore, applicant/accused Jagdish Tytler could not have been

present at the place of occurrence.

18. It was further submitted that other two eye witnesses have given their statement for the first time in 40 years against applicant/accused Jagdish Tytler. These witnesses had ample opportunity to make their statements before the various commissions appointed to inquire into the killing of Sikhs i.e. Marwah Commission, Misra Commission, Kapur Mittal Committee, Jain Banerjee Committee, Potti Rosha Committee, Jain Aggarwal Committee, Ahuja Committee, Dhillon Committee, Narula Committee, The Nanavati Commission and Special Investigation Team constituted by the Hon'ble Supreme Court of India but they never came forward to make their statement and their statement made after a gap of 40 years does not inspire any kind of confidence and has been concocted just to falsely implicate the applicant/accused Jagdish Tytler.

19. It was further submitted that these two eye witnesses have to explain as to why they had not come forward to depose against applicant/accused Jagdish Tytler before the various committees/ commissions as stated hereinabove and their statements recorded after 40 years undoubtedly tilts the balance in favour of applicant/accused Jagdish Tytler for grant of

anticipatory bail.

20. It was further submitted that there is no apprehension of influencing witnesses or tampering with the evidence as chargesheet stands filed in this case and despite applicant/accused Jagdish Tytler being at large, witnesses have come forward to make their statement.

21. It was further submitted that applicant/accused Jagdish Tytler is a four term member of Parliament and had over four decades of public life held the offices of Minister in the Central Government under various capacities. It was submitted that applicant/accused Jagdish Tytler has deep roots in the society and there is no apprehension that applicant/accused Jagdish Tytler may flee from justice. It was further submitted that applicant/accused Jagdish Tytler is aged about 79 years and suffering from variety of medical ailments such as Hypertensive Uncontrolled Type II Diabetes, Kidney Problems, Carcinoma Prostate and history of heart disease.

22. It was concluded by submitting that applicant/accused Jagdish Tytler has been chargesheeted without there being any credible and reliable evidence and witnesses have given a concocted and a false statement against applicant/accused Jagdish Tytler to falsely implicate him due to political considerations. Accordingly, a

prayer was made to allow the application and grant anticipatory bail to applicant/accused Jagdish Tytler.

23. On the other hand, it was submitted by Ld.PP for CBI that the present application filed by applicant/accused Jagdish Tytler is not maintainable as applicant/accused Jagdish Tytler has been summoned and he is bound to appear before Ld.ACMM-01, RADC, New Delhi in compliance of summons.

24. It was further submitted that applicant/accused Jagdish Tytler is involved in commission of a heinous offence involving multiple murders. Therefore, having regard to the gravity of offence, no case for grant of anticipatory bail is made out.

25. It was further submitted that applicant/accused Jagdish Tytler is a very influential and a powerful person and there is every apprehension that he might threaten, intimidate, instigate or influence the witnesses and may even abscond to avoid the trial. It was further submitted that there is no balance existing in favour of applicant/accused Jagdish Tytler for grant of anticipatory bail as there are eye witnesses to the incident, who have alleged that present applicant/accused Jagdish Tytler was present at the spot and was instigating the crowd to kill Sikh persons. It was further submitted that the various eye witnesses in

their respective statements have explained the delay in making the statement against applicant/accused Jagdish Tytler as due to fear of applicant/accused Jagdish Tytler, it took time for them to muster courage to make a statement against applicant/accused Jagdish Tytler, who happens to be a very influential person.

26. It was further submitted that plea of alibi taken by applicant/accused Jagdish Tytler that he was present at Teen Murti Bhawan, New Delhi, is his defence, which is required to be established on record during the course of trial. It was further submitted that applicant/accused Jagdish Tytler has been chargesheeted in this case based upon the statement of eye witnesses and the allegations against applicant/accused Jagdish Tytler are very heinous and grave and, therefore, he is not entitled to anticipatory bail. Accordingly, a prayer was made to dismiss the bail application of applicant/accused Jagdish Tytler.

27. Ld. Senior Counsel for victim/complainant Sh. H. S. Phoolka also supported the submissions of Ld. Prosecutor and also prayed for dismissal of anticipatory bail application of applicant/accused Jagdish Tytler.

28. It was submitted by Ld. Senior Counsel for victim/complainant that the applicant/accused Jagdish

Tytler was involved in a heinous crime, which is a crime against humanity and having regard to the gravity of crime, no case for grant of anticipatory bail is made out.

29. It was further submitted that plea of alibi taken by applicant/accused Jagdish Tytler that he was present at Teen Murti Bhawan is also not prima facie believable as in the DVD, applicant/accused Jagdish Tytler has not been continuously seen to be present at Teen Murti Bhawan and, therefore, it is quite possible that during the short interval, when he was absent from Teen Murti Bhawan, he could have visited the place of incident, which is at a very short distance from Teen Murti Bhawan and had instigated the mob in killing of three innocent Sikh persons.

30. It was further submitted that applicant/accused Jagdish Tytler has a history of threatening or intimidating witnesses and, therefore, on this ground itself, applicant/accused Jagdish Tytler does not deserve to be extended with the benefit of anticipatory bail.

31. It was further submitted that the judgment of the Hon'ble Supreme Court of India delivered in **Satender Kumar Antil's case (supra)** is not applicable to the facts of the present case as applicant/accused Jagdish Tytler is alleged to have committed the offence of

murder, which falls in Category “B” and the bail application with regard to Category “B” offences, has to be decided on merits.

32.It was further submitted that for considering the anticipatory bail application on merits, the gravity of offence, status of accused, apprehension of influencing witnesses, tampering of evidence and chance of absconding of accused are required to be evaluated and in the present case, no ground exists in favour of applicant/accused Jagdish Tytler entitling him benefit of anticipatory bail. Accordingly, he has prayed for dismissal of anticipatory bail application of applicant/accused Jagdish Tytler. In support of his submission, Ld.Senior Counsel for victim/complainant has relied upon the following judgments: (1) State Through CBI Vs. Sajjan Kumar and Ors. 2019 I AD (Delhi) decided on 17.12.2018; (2) Sudha Singh Vs. State of Uttar Pradesh and Another (2021) 4 SCC 781 decided on 23.04.2021; and (3) Anil Kumar Yadav Vs. State (NCT) of Delhi and Anr. 2017 LAWPACK(SC) 59984 decided on 14.11.2017.

33.I have considered the rival submissions of respective counsels and have carefully perused the trial court record as well as the judgments relied upon by respective counsels.

34. It is an admitted position between the parties that in the present case, CBI has chargesheeted the applicant/accused Jagdish Tytler without arrest and on the basis of said chargesheet dated 20.05.2023, applicant/accused Jagdish Tytler stands summoned for 05.08.2023. One of the offence for which applicant/accused Jagdish Tytler has been summoned is the offence of murder under Section 302 IPC. The apprehension of applicant/accused Jagdish Tytler that in case, he appears before the Ld.ACMM-01, RADC, New Delhi on 05.08.2023, then he might be remanded to custody, appears to be justified. The reason for the same is that Ld.ACMM-01, RADC, New Delhi has got no jurisdiction to deal with the bail application, if filed by applicant/accused Jagdish Tytler on his appearance on 05.08.2023, as the offence of murder is exclusively triable by the court of Sessions. I am fortified in my reasoning by the judgment of the Hon'ble Supreme Court of India delivered in **Satender Kumar Antil's case (supra)** wherein it has been held by the Hon'ble Supreme Court of India in para 53 as under:--

The proviso to Section 437 warrants an opportunity to be afforded to the learned Public Prosecutor while considering an offence punishable with death, imprisonment for life, or imprisonment for seven years or more. Though, this proviso appears to be contrary to the main provision contained in Section 437(1) which, by way of a positive direction, prohibits the Magistrate from releasing a person guilty of an

offence punishable with either death or imprisonment for life. It is trite that a proviso has to be understood in the teeth of the main provision. Section 437(1)(i) operates in a different field. The object is to exclude the offence exclusively triable by the Court of Sessions. Thus, one has to understand the proviso by a combined reading of Sections 437 and 439 of the Code, as the latter provision reiterates the aforesaid provision to the exclusion of the learned Magistrate over an offence triable exclusively by a Court of Sessions. xxxxxx”

35. Now, the next question arises is whether applicant/accused Jagdish Tytler deserves to be released on anticipatory bail in the facts wherein he is chargesheeted for a heinous offence of murder without arrest by the CBI?

36. The answer to this question lies in the judgment of the Hon'ble Supreme Court of India delivered in **Siddharth Vs. State of Uttar Pradesh (2021) 1 SCC 676**. In the said judgment, the Hon'ble Supreme Court of India had agreed with the view taken in the two judgments of the Hon'ble High Court of Delhi reported as **High Court of Delhi Vs. CBI 2004 SCC OnLine Del 53** and the Hon'ble Division Bench Judgment of the Hon'ble High Court of Delhi reported as **High Court of Delhi Vs. State (2018) 254 DLT 641** wherein it was held that it is not essential that in every case involving a cognizable and non-bailable offence, an accused be taken into custody when the chargesheet or final report is filed.

37. It was further held that in a case where police / investigating officer thinks it unnecessary to present the accused in custody for the reason that accused would neither abscond nor disobey the summons as he has been co-operating in the investigation and investigation can be completed without arresting him, investigating officer is not obliged to produce such an accused in custody.

38. The Hon'ble Supreme Court of India in **Satender Kumar Antil's case (supra)** had relied upon the aforesaid judgment of Siddharth's case (supra) and has held in para 65 as under:--

“We may clarify on one aspect which is on the interpretation of Section 170 of the Code. Our discussion made for the other offences would apply to these cases also. To clarify this position, we may hold that if an accused is already under incarceration, then the same would continue, and therefore, it is needless to say that the provision of the Special Act would get applied thereafter. It is only in a case where the accused is either not arrested consciously by the prosecution or arrested and enlarged on bail, there is no need for further arrest at the instance of the court. Similarly, we would also add that the existence of a pari materia or a similar provision like Section 167(2) of the Code available under the Special Act would have the same effect entitling the accused for a default bail. Even here the court will have to consider the satisfaction under Section 440 of the Code.”

39. The ratio laid down by the Hon'ble Supreme Court of India delivered in **Siddharth's case (supra)** has recently been followed in the case of **Aman Preet Singh Vs. CBI through Director Criminal Appeal No. 929 of 2021 decided on 02.09.2021** wherein it was held as under:--

“Insofar as the present case is concerned and the general principles under Section 170 Cr.P.C., the most apposite observations are in sub-para (v) of the High Court judgment in the context of an accused in a non-bailable offence whose custody was not required during the period of investigation. In such a scenario, it is appropriate that the accused is released on bail as the circumstances of his having not been arrested during investigation or not being produced in custody is itself sufficient to entitle him to be released on bail. The rationale has been succinctly set out that if a person has been enlarged and free for many years and has not even been arrested during investigation, to suddenly direct his arrest and to be incarcerated merely because charge sheet has been filed would be contrary to the governing principles for grant of bail. We could not agree more with this.”

40. From the aforementioned judgments, it is amply clear that when accused is chargesheeted without arrest and accused has co-operated during the investigation, then there is no need for further arrest, at the instance of the court.

41. In the present case also, CBI has consciously chosen not to arrest applicant/accused Jagdish Tytler during the

course of investigation and he has been chargesheeted without arrest even though the alleged offence of murder is a very grave and a serious offence. Therefore, there is no ground to put applicant/accused Jagdish Tytler behind bars just because chargesheet has been filed in the present case.

42. Further, in the present case, applicant/accused Jagdish Tytler has been chargesheeted after around 40 years of the date of the incident. In the initial chargesheet filed by the Delhi Police, in which 32 persons were chargesheeted, none of the witnesses had deposed anything against applicant/accused Jagdish Tytler.

43. Even when CBI had taken up the investigation of the present case, the first chargesheet filed on 28.09.2007 did not recommend any action against present applicant/accused Jagdish Tytler and chargesheet was filed only with regard to prosecution of accused Suresh Kumar @ Panewala. In the first supplementary report filed by the CBI on 27.03.2009, no action was recommended against applicant/accused Jagdish Tytler and even this report was accepted by the Ld.ACMM on 27.04.2010. However, in the revision, said order was set aside and CBI was directed to further investigate the role of present applicant/accused Jagdish Tytler. Thereafter, CBI had again filed second supplementary

final report on 24.12.2014 wherein it was concluded that the allegations levelled against applicant/accused Jagdish Tytler could not be corroborated. Therefore, record reflects that in the investigation done by the Delhi Police and by the CBI till December, 2014, no material was found justifying chargesheeting present applicant/accused Jagdish Tytler and CBI in its chargesheet and two supplementary final reports had recommended no action against present applicant/accused Jagdish Tytler as allegations could not be corroborated.

44. However, in the third supplementary report dated 20.05.2023, CBI has chosen to chargesheet applicant/accused Jagdish Tytler without arrest on the basis of statement of three eye witnesses. One of the eye witness examined by the CBI i.e. Smt. Harpal Kaur Bedi had previously stated in supplementary final report dated 27.03.2009 that applicant/accused Jagdish Tytler was not involved in the incident. However, in the chargesheet dated 20.05.2023, witness Smt. Harpal Kaur Bedi had taken a U-Turn and now has stated that applicant/accused Jagdish Tytler has instigated the mob in front of Gurudwara Pul Bangash in the morning of 01.11.1984 which led to killing of three Sikh persons namely Badal Singh, Gurcharan Singh and Thakur

Singh by the mob and even Gurudwara was set on fire. Therefore, said witness has to explain, at the stage of trial, as to why she had given an earlier statement in the supplementary report dated 27.03.2009 that applicant/accused Jagdish Tytler was not involved in the incident.

45. Further, the other two eye witnesses have given their statements for the first time against present applicant/accused Jagdish Tytler regarding his involvement in the incident of 01.11.1984, after 40 years of the incident. These two eye witnesses will also have to explain as to why they did not come forward earlier when the matter was investigated by the Delhi Police /CBI and when inquiry regarding killing of Sikhs was carried out by various commissions like Marwah Commission, Misra Commission, Kapur Mittal Committee, Jain Banerjee Committee, Potti Rosha Committee, Jain Aggarwal Committee, The Nanavati Commission and Special Investigation Team etc. Therefore, the statement made by two eye witnesses after a gap of 40 years from the date of incident, undoubtedly tilts the balance in favour of applicant/accused Jagdish Tytler for grant of anticipatory bail.

46. The contention of Ld.PP and Ld.Senior Counsel for

victim/complainant that in case, applicant/accused Jagdish Tytler is granted anticipatory bail, then he will threaten and intimidate the witnesses, is not at all acceptable. The reason for the same is that admittedly, for the past around 40 years, applicant/accused Jagdish Tytler has remained at large as he was not arrested in any case, and inspite of applicant/accused Jagdish Tytler being at large, witnesses came forward and made their statements before the CBI, which demonstrates that witnesses were not threatened or intimidated by applicant/accused Jagdish Tytler. Even otherwise in the chargesheet, there is no specific allegation against applicant/accused Jagdish Tytler that in the past, any of the witness was threatened, date of such threat, the manner in which witness was threatened and the complaint made by the witness to any authority.

47. Further, there is no chance of applicant/accused Jagdish Tytler absconding as he has got deep roots in the society and for the past around 40 years, he has joined the investigation as and when summoned by the Delhi Police / CBI.

48. In the facts and circumstances, having regard to the fact that applicant/accused Jagdish Tytler was chargesheeted without arrest by CBI and was not chargesheeted earlier either by Delhi Police and the

CBI, to the fact that CBI had not recommended any action against applicant/accused Jagdish Tytler in first supplementary report dated 27.03.2009 and second supplementary final report dated 24.12.2014 and having regard to the fact that two eye witnesses have made their statements after a gap of around 40 years and to the fact that applicant/accused Jagdish Tytler has co-operated in the investigation, **the application filed by applicant/accused Jagdish Tytler under Section 438 Cr.P.C. is allowed** and in the event of applicant/accused Jagdish Tytler appearing before Ld.ACMM-01, RADC, New Delhi on 05.08.2023, the Ld.ACMM-01, RADC, New Delhi is directed to release the applicant/accused Jagdish Tytler on bail on his furnishing a personal bond of Rs.1,00,000/- (Rupees One Lac only) with one surety of the like amount to the satisfaction of Ld.ACMM-01, RADC, New Delhi with the condition that applicant/accused Jagdish Tytler will not try to threaten or intimidate any of the witnesses and will not try to contact any of the witnesses in any manner whatsoever till the conclusion of trial.

49.It is made clear that nothing expressed hereinabove shall tantamount to expressing any opinion on the merits of this case.

50.As prayed, a copy of order be given dasti to Ld.counsel  
for applicant/accused Jagdish Tytler.

51.TCR be sent back to the court of Ld.ACMM-01,  
RADC, New Delhi alongwith a copy of this order.

**Announced in the open court**

**Dated: 04.08.2023**

**(Vikas Dhull)**  
**Special Judge (PC Act) (CBI)-23**  
**(MPs/MLAs Cases) RADC**  
**New Delhi**