

PacI vs C.B.I. on 5 September, 2023

Author: M.M. Sundresh

Bench: M. M. Sundresh, A. S. Bopanna

2023INSC795

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

IA. NO. 156411 OF 2022
IN
TC (CRL) NO. 1 OF 2016
WITH
I.A. NO. 46851 OF 2022
IN
TC (CRL) NO. 3 OF 2016
WITH
W.P. (CRL) NO. 326 OF 2023

PACL

...APPELLANT(S)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

...RESPONDENT(S)

ORDER

1. Heard learned Senior Counsel, Mr. ANS Nadkarni appearing for the applicants and learned Additional Solicitor General, Mrs. Aishwarya Bhati appearing for respondent.

2. The interlocutory applications are filed by accused nos. 5 and 6 seeking bail in FIR No. RC-BD1/2014E004-CBI/BS&FC/New Delhi dated 19.02.2014 for the offence punishable under Section 120B, 409, 411, 420, 467, 468, 471, 474 of the Indian Penal Code, 1860 and under Section 4, 5, and 6 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978. Writ Petition (Criminal) No. 326 of 2023 has also been filed by Accused No. 6 for a similar relief. Incidentally, the applicants seek bail in all other subsequent complaints filed by different informants, investigated by different authorities, spanning the entire country. We may also clarify that these interlocutory applications have no connection with the pending transferred cases in TC (Crl.) No. 1 of 2016 and TC (Crl.) No. 3 of 2016.

3. The Central Bureau of Investigation registered a case in PE/BD 1/2010/E00203 2016 in pursuance to the directions issued by this Court vide order dated 12.03.2023 in Civil Appeal No. 6572 of 2004. On the basis of enquiry conducted, a criminal case was registered as afore-stated. The applicants being the Directors at the relevant point of time were arrayed as accused. The amount siphoned off exceeds over and above 40 thousand crores, out of which a paltry sum has been recovered so far despite the efforts made by the investigating agency and the Committee constituted under Justice R.M. Lodha on the orders of this Court.

4. Numerous complaints were filed subsequently by the depositors and others who were cheated throughout the country. Some of the accused persons are common while the others are distinct to the cases filed. They have been filed at different points of time. The investigating agencies are also different.

5. The applicants have approached this Court with the similar prayers in the applications and Accused No. 6 has filed a writ petition, to grant bail in all the pending cases. This Court by way of interim orders granted bail to the applicants.

6. With the above factual background, the learned senior counsel appearing for the applicants submitted that they have been suffering incarceration for more than 7 years. One of the co-accused has been granted bail. They have acted in good faith. It is not the case of respondents that the applicants have not cooperated with the investigating agency. It is a case based upon documentary evidence. There is no possibility of tampering with the witnesses.

7. Per contra, learned Additional Solicitor General, Mrs. Aishwarya Bhati appearing for the CBI submitted that scores of gullible investors have been duped. Families have been ruined and many died for want of money. The trail of the money parked in various other countries is yet to be fully deciphered. There is not much of a headway in that regard. The chargesheet filed clearly indicates the specific role attributed to the applicants. It is not a case where this Court is expected to exercise its discretion as it is well open to the applicants to approach the respective jurisdictional courts. Learned counsel appearing for the intervenor/respondents adopted the submissions made by the learned Solicitor General.

8. We are not willing to go into the merits of the submissions made as we are in agreement with the submissions made by the learned Additional Solicitor General that the applicants will have to approach the jurisdictional courts, instead of seeking an omnibus relief before this Court. We find that even the co-accused did approach the trial court and got the bail. We have also not heard the different investigating agencies. Most of the complaints have been given subsequent to the case registered by the CBI in which few other persons are also arrayed as accused persons. One cannot apply one bail order to all the other subsequent cases. We do not have the adequate particulars pertaining to the subsequent cases filed, like the chargesheet pertaining to the case registered by different investigating agencies. It is not as if the applicants are unable to approach the concerned courts for seeking bail.

9. For the aforesaid reasons, we are inclined to dismiss the applications and the writ petition filed by Accused No. 6, giving liberty to the applicants to file bail applications before the jurisdictional courts. However, taking into consideration all the difficulties expressed by the applicants, including on the ground of ill health, we are inclined to extend the interim bail granted to the applicants for a period of 3 months from today to facilitate them to seek bail before the courts concerned. We make it clear that the applications to be filed are to be disposed of on their own merits without being influenced by this order.

10. Accordingly, I.A. No. 156411 of 2022 in TC (Criminal) No. 1 of 2016, I.A. No. 46851 of 2022 in TC (Criminal) No. 3 of 2016 and Writ Petition (Criminal) No. 326 of 2023 are disposed of in the aforesaid terms. I.A. No. 146735 of 2023 in TC (Crl.) No.1 of 2016, application for intervention is allowed.

.....J. (A. S. BOPANNA)J. (M. M. SUNDRESH) New Delhi,
September 5, 2023.