

SUPREME COURT OF INDIA

Ashok Kumar Todi

Vs

C.B.I

CrI.A.No.81 of 2009

(K.G. Balakrishnan CJI. and P. Sathasivam JJ.)

16.01.2009

ORDER

1. Leave granted.

2. The appellants are accused Nos. 1 & 2 in a case registered by CBI. The appellant in Special Leave Petition (CrI.) No. 9428/2009 is the father of Ms. Priyanka Todi. It is alleged that the deceased Rizwanur Rahman had married Priyanka. The father of Priyanka did not like the alliance and he wanted to dissuade Rizwanur Rahman to keep away from the alliance. After some time the dead body of Rizwanur Rahman was found in the railway track. According to prosecution, he committed suicide. These appellants are arrayed as accused alleging that they had abetted the commission of suicide. Thereby a charge is filed under Sections 306 and 506 of IPC. There are also allegations of conspiracy between the accused and a charge under Section 102B is also incorporated. First accused (A-1) was taken into custody on 1-12-2008 and A-2 was taken into custody on 8-12-2008. A final report in this case was filed on 22nd September, 2008. These appellants moved for bail and the matter came up before the Division Bench of the High Court of Calcutta. The High Court refused to grant the bail and that order is challenged before this Court. We have heard Learned counsel appearing for the appellants and also the Additional Solicitor General appearing for the CBI.

3. The Learned Counsel for the appellants pointed out that the trial of these cases has already been stayed as one of these appellants had challenged the very registrations of the case by the CBI. That matter is pending consideration before the High Court of Calcutta, therefore, it is alleged that the trial is likely to be delayed and the appellants have to be in jail for a long period. The appellants' counsel also stated that the final report has already been filed and the accused need not be detained in jail further. The Additional Solicitor General strongly opposed the bail applications and also explained the involvement of the accused in this case. Learned Counsel also pointed out that these accused, being highly influential persons, are likely to tamper with the evidence and may dissuade the witnesses from giving proper evidence in court.

4. Having regard to the nature of charge and also to the fact that the matter has already been stayed, we feel that the accused be released on bail on some stringent conditions.

5. The appellants are directed to be released on bail on executing bond for a sum of Rs. 1,00,000/- each to the satisfaction of the City Sessions Court, Calcutta with two solvent sureties for the like amount. The appellants shall surrender their passports if not already surrendered, to the police within ten days.

6. The appellants shall not communicate with any of the witnesses and shall not make any attempt to win over them. If any such allegation is there, the CBI would be at liberty to seek cancellation of the bail. The appellants shall not change their present permanent residence without notice to the SP, CBI, Calcutta. If the appellants want to vary any condition they would be at liberty to approach the High Court.

8. The criminal appeals are disposed of.