

Jai Nandan Singh

v.

State of Bihar, Through CBI

(Supreme Court Of India)

HON'BLE MR. JUSTICE T.S. THAKUR HON'BLE MR. JUSTICE GYAN
SUDHA MISRA

Special Leave Petition (Criminal) No. 4882 Of 2011 | 23-04-2014

Gyan Sudha Misra, J.

1. This Petition by special leave had been filed against the judgment and order dated 24.5.2011 passed by the High Court of Judicature at Patna in Criminal Miscellaneous No. 11789 /2011 by which the High Court was pleased to reject the application filed by the petitioner for grant of bail whereby the counsel for the parties were heard at the admission stage itself.

2. A case was registered by the Central Bureau of Investigation (CBI) against the petitioner, who was a Special Assistant, State Bank of India, Personnel Department, LHO (Local Head Office), Gandhi Maidan, Patna on the basis of source information under Section 13 (2) read with 13 (1) (e) of Prevention of Corruption Act 1988 on the allegation that the petitioner, being a public servant during the period January, 2000 to March, 2008 amassed huge assets both movable and immovable worth Rs.62,00,000/- by corrupt and illegal means or by abusing his official position as public servant, which are disproportionate to his known sources of income. The check period for computation of disproportionate assets has been kept from 1 st January, 2000 to 31 st March, 2008. Investigations revealed that the petitioner and his wife were having total assets, both movable and immovable in their names worth Rs.8,81,868.60 prior to the check period (i.e. as on 31.12.1999) and hence these assets were not taken into account in computation of the disproportionate assets. The petitioner has been found as on 31.03.2008 in possession of assets to the tune of Rs.55,91,510/- acquired during the aforesaid check period which are disproportionate to his known sources of income and for which he could not render satisfactory explanation.

3. Chargesheet was filed against the petitioner for offences under Sections 13 (2) read with 13 (1) (e) of Prevention of Corruption Act, 1988 and the amount of assets allegedly disproportionate was brought down from Rs.62 lakhs in the FIR to Rs.55 lakhs and the wife of the petitioner was made an abettor.

4. Income Tax Authorities too initiated proceedings against the petitioner on the basis of the CBI chargesheet but the petitioner has since been exonerated, by the Income Tax Department on the finding that there were no disproportionate assets. The petitioner surrendered before the trial Court on 15.03.2011 whereupon he was taken into judicial custody and continued to remain behind the bars since then.

5. Thereafter, the petitioner moved an application for bail before the trial court on 24.03.2011 but the same was rejected. Aggrieved by the said order, the petitioner then moved the High Court for grant of bail. The High Court rejected the bail application taking into account the gravity of accusation as alleged, reasonable possibility of interfering with the process of justice and tampering with the evidence by the petitioner. However, the High Court directed the trial Court to expedite the trial of the petitioner and conclude the same within 6 months from the date of receipt of order and if CBI failed to produce its evidence within 6 months, he would be entitled to bail.

6. The counsel for the petitioner contended that since the Income Tax Authorities had exonerated the petitioner with respect to the same allegations which had been levelled by the CBI, the prosecution case fails and the petitioner is entitled to bail. It was further submitted that the petitioner has been falsely implicated on account of union rivalry as he was being considered for the post of Director.

7. The contention of the counsel for the petitioner on the other hand was that only 9 out of the 51 witnesses have been examined so far, and the trial is likely to take a long time; therefore no useful purpose would be served in keeping the petitioner in jail. The petitioner has strongly relied on a recent judgment of the Hon'ble Court in the case of Sanjay Chand r a Vs. CBI (2012) 1 SCC 40 in support of his plea on the point of grant of regular bail in economic offences.

8. A show cause notice was issued to the respondent on the special leave petition in response to which the respondent appeared before this Court and was heard on 29.8.2011 on which date after hearing the counsel for the parties, the Court directed that the petitioner be released on interim bail to the satisfaction of the trial court till further orders. However, the counsel for the respondent had opposed the interim bail alleging that the Petitioner had been intimidating the witnesses due to which he should not be allowed the privilege of bail. He therefore sought time to file an additional affidavit stating the reasons for opposing the bail.

9. However, no material was brought to the notice of this Court in support of the allegation which could persuade this Court not to extend the interim bail granted to the petitioner vide order dated 29.8.2011. Hence we deem it appropriate that the order granting interim bail to the petitioner is fit to be confirmed so as to remain effective during pendency of the trial. In case, the trial has already concluded by now as per the order of the High Court, obviously the judgment and order passed by the Trial Court shall govern the fate of the petitioner. The Special Leave Petition stands disposed of.