

SUPREME COURT OF INDIA

Rajendra Prakash Agrawal

Vs.

Union of India & Anr.

CrI.A.No.1416 of 2015

(J.Chelameswar and Abhay Manohar Sapre, JJ.)

26.10.2015

ORDER

Abhay Manohar Sapre, J.,

Leave granted.

2. This appeal is directed against the final order dated 19.08.2015 passed by the High Court of Judicature at Allahabad in Criminal Misc. Bail Application No. 19406 of 2015 filed by the appellant herein whereby the High Court rejected the bail application filed by the appellant herein.

3. In order to appreciate the issue involved in this appeal, it is necessary to state the few relevant facts in brief.

4. The appellant and others are facing trial for commission of offences punishable under Sections 120-B, 420, 467, 468 and 471 of Indian Penal Code, 1860 read with Section 13 (2) and Section 13(1)(d) of the Prevention of Corruption Act, 1988 pursuant to FIR bearing Case Crime No. RC- 1202013A0003 of 2013 lodged at Police Station -CBI, ACB, Ghaziabad.

5. The appellant-an architect by profession was apprehended in May 2015 in connection with the aforesaid crime case and since then he is in jail.

6. The appellant filed bail application No. 2766 of 2015 before the Special Judge, Prevention of Corruption, CBI, Court No.1, Ghaziabad. By order dated 08.05.2015, the said application was rejected.

7. Thereafter, the appellant applied for grant of bail before the High Court at Allahabad. By impugned order, the High Court rejected the said bail application.

8. Heard learned counsel for the parties.

9. Learned Counsel for the appellant urged four submissions in support of this appeal. In the first place, he contended that the appellant was not named in the FIR and hence this fact should have been taken note of while considering his bail application. His second submission was that the entire investigation is now complete and charge sheet has been filed against all the accused persons including the appellant in competent court. His third submission was that appellant is quite an old man aged around 71 years and is also ailing. His fourth submission was that appellant is in custody for the last six months and there is no one in appellant's family to look after his dependents and lastly, since the issues involved in the trial mostly relate to documents and the appellant having co-operated throughout in investigation which resulted in filing of charge sheet and has no past criminal record of any kind against the appellant, he be released on bail on terms.

10. Learned counsel for the respondents opposed the application for grant of bail contending that the charges against the appellant are quite serious.

11. Having heard learned counsel for the parties and taking note of the fact that firstly, the investigation in the case is complete; secondly, the charge sheet is filed; thirdly, the appellant is in custody for the last six months and lastly, looking to the old age of the appellant who is also ailing, we are inclined to set aside the impugned order and grant bail to the appellant.

12. The appeal is accordingly allowed. Impugned order is set aside. The appellant is directed to be released on bail during trial to the satisfaction of the trial Judge.