



CRLA No. 108 of 2014

**Hon'ble Alok Singh, J.**

Ms. Pushpa Joshi, Senior Advocate assisted by Mr. Birendra Singh Adhikari, Advocate for the appellants.

Mr. Arvind Vashistha, Senior Advocate assisted by Ms. Monika Pant, Advocate for the C.B.I.

Learned trial court while passing the impugned judgment and order dated 24.3.2014 was pleased to enlarge the appellants on interim bail. Vide order dated 3.4.2014, this Court was pleased to extend the interim bail till 30.9.2014, having observed that this Court is inclined to decide the appeal within six months. Appeal could not be taken up for final hearing for one reason or another. However, vide order dated 25.5.2014 interim bail was cancelled. Appellants thereafter surrendered and now are lodged in the jail.

Vide impugned judgment and order dated 24.3.2014, appellants were sentenced to undergo R.I. for a period of two years each.

Ms. Pushpa Joshi, Senior Advocate appearing for the appellants submitted that since total period of sentence is two years and appeal is not likely to be heard at the earliest, therefore, keeping in mind the dictum of ***Hon'ble Apex Court in the case of State of Kerala vs. Mohd. Raneef reported in 2011 (1) SCC, 784***, wherein Hon'ble Apex Court has held that while deciding the bail



application, Court must keep in mind, if bail is declined and ultimately accused is acquitted, time spent by the accused in the jail cannot be restored to him, appellants should be enlarged on bail. She further contended that appellants are not reported to have misused the regular on interim bail.

Considering the totality of the facts and circumstances of the case, bail application is allowed. Let appellants be enlarged on bail on furnishing their personal bonds and two-two sureties to the satisfaction of learned Judge, C.B.I., Dehradun. Appellants shall deposit the fine at the time of submitting their personal bonds which shall be subject to the final decision in appeal.

**(Alok Singh, J.)**

28.10.2014