

ITEM NO.11

COURT NO.2

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 1269/2017

DIRECTORATE OF ENFORCEMENT

Appellant(s)

VERSUS

M/S OBULAPURAM MINING COMPANY PVT LTD

Respondent(s)

([ONLY I.A. NO. 122402/2022(VACATION OF INTERIM ORDER) IN SLP(CRL.)  
NO. 6922/2018, W.P.(CRL.) NO.302/2022 (FOR INTERIM RELIEF AND W.P.  
(CRL.) NO. 94/2023 ARE LISTED UNDER THIS ITEM )

WITH

SLP(Crl) No. 6922/2018 (II-A)  
(FOR APPLICATION FOR VACATION OF INTERIM ORDER ON IA 122402/2022  
IA No. 122402/2022 - APPLICATION FOR VACATION OF INTERIM ORDER)

W.P.(Crl.) No. 302/2022 (X)  
([FOR INTERIM RELIEF])

W.P.(Crl.) No. 94/2023 (X)  
(FOR ADMISSION)

Date : 28-04-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Appellant(s) Mr. Manoj K. Mishra, AOR  
Mr. Umesh Dubey, Adv.  
Mr. A. Baskar, Adv.  
Mr. D. N. Dubey, Adv.  
Mr. Shekhar Yadav, Adv.  
Mr. Piyush Singh, Adv.  
Mr. Dheeraj K. Dubey, Adv.

Mr. Saurabh Kirpal, Sr. Adv.  
Mr. Karan Bharihoke, AOR

Mr. K. M. Nataraj, Solicitor General  
Mr. Mukesh Kumar Maroria, AOR  
Mr. Kanu Agarwal, Adv.

Ms. Deepabali Dutta, Adv.  
Mr. Rajan Kumar Choursia, Adv.  
Mr. Zoheb Hussain, Adv.

Mr. Sidharth Luthra, Sr. Adv.  
Mr. Anuroop Chakravarti, Adv.  
Mr. M. S. Vishnu Shankar, Adv.  
Mr. Shakti Singh, Adv.  
Mr. Ayush Agarwal, Adv.  
Mr. Shruti Chaturvedi, Adv.  
Mr. Sriram Parakkat, Adv.  
Ms. Athira G. Nair, Adv.  
Ms. Purva, Adv.  
M/S. LAWFIC, AOR

For Respondent(s) Mr. Parmatma Singh, AOR

Mr. Aaditya Aniruddha Pande, AOR  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Bharat Bagla, Adv.  
Mr. Sourav Singh, Adv.

Mr. S. V. Raju, A.S.G.  
Mr. Mukesh Kumar Maroria, AOR  
Mr. Zoheb Hussain, Adv.  
Ms. Sansriti Pathak, Adv.  
Mr. Annam Venkatesh, Adv.

Mr. Syed Mehdi Imam, AOR

UPON hearing the counsel the Court made the following  
O R D E R

I.A. NO. 122402/2022 in SLP(Crl) No. 6922/2018

We have heard learned counsel for parties.

It is pointed out by learned ASG that one of the conditions of bail was to pay expenses to the police guard and the appellant has only paid Rs. 8,59,524/- towards the expenses while the amount is much larger. In reply to the application the appellant has stated that he is really willing to pay the balance amount as and when he can. This obviously shows that at present he is not able to pay the

amount according to his reply.

A significant aspect pointed out by the learned counsel for the accused is that the charge-sheet was filed in the year 2018 and trial has not proceeded for five years. Even charges have not been framed. In such a scenario the accused cannot be kept in custody for an *ad infinitum* period of time.

In view of the aforesaid, at least, insofar as this application is concerned, there is no ground to recall or modify the order.

On the issue whether in the given scenario the applicant can now be granted bail instead of keeping him in the house arrest, learned ASG submits that for that he has to obtain instructions.

As far as the recovery of the amount from the applicant is concerned, the authorities are free to recover the amount for the police protection till date.

Application stands dismissed with the aforesaid observation.

W.P.(Crl.) No. 302/2022

Learned counsel for the appellant refers to the judgment of this Court in Writ Petition (Crl.) No.60/2023 dated 26<sup>th</sup> April, 2023 filed by the wife of the petitioner where this Court has opined that if incomplete charge-sheet is filed on the anvil of the period when investigation has to be completed, and if investigation still continues, then that cannot be accepted as charge-sheet filed in time.

It is stated before us that the learned Solicitor General

appears in this matter and a deferment is sought.

List on 15.5.2023.

W.P.(CrI.) No. 94/2023

At the request, tag with W.P.(CrI.) No.65/2023.

Issue notice on the petition as well as on the interim bail.

Learned ASG will obtain instructions as he states that there are some subsequent developments.

List on 15.5.2023.

(RASHMI DHYANI PANT)  
COURT MASTER

(POONAM VAID)  
COURT MASTER