

ITEM NO.2

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Criminal) No.353/2022

SHIV PRIYA

Petitioner(s)

VERSUS

STATE (NCT OF DELHI) & ANR.

Respondent(s)

(FOR ADMISSION; IA No.132464/2022 - FOR INTERIM BAIL; and, IA No. 138719/2022 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ANNEXURES)

Date : 22-10-2022 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Aditya Jain, Adv.
Mr. Amit Sinha, Adv.
Mr. Saurabh Jain, Adv.
Mr. Kshitz Mittal, Adv.
Mr. Aditya Jain-1, AOR

For Respondent(s) Ms. Aishwarya Bhati, ASG
Mr. Sanjay Jain, ASG
Mr. K.M. Nataraj, ASG
Mr. Arkaj Kumar, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Tanya Aggarwal, Adv.
Ms. Shreya Jain, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Mukesh Kumar Maroria, AOR

Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.
Mr. Pranab Kumar Nayak, Adv.
Mr. Himanshu Shekhar, AOR

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

The present writ petition principally prays for following reliefs:

- "a. Issue an appropriate Writ, Order or Direction, in the nature of mandamus or any other appropriate Writ or Direction, directing that the Petitioner be released on regular bail in cases against him given in Table-5 of Annexure P-20 (Pages 558 to 565) on personal bond.
- b. Issue an appropriate Writ, Order or Direction, in the nature of mandamus or any other appropriate Writ or Direction directing that if the petitioner is arrested in any case in future in capacity of Director of the Amrapali Group of Companies and in the cases given in Table-2 of Annexure P-17 (pages 550 to 551), Table-3 of Annexure P-18 (pages 552 to 554) and Table 4 of Annexure P-19 (pages 555 to 557), the arresting officer shall release him on regular bail on his executing the personal bond."

The details given in Table-5 of Annexure P-20 (Pages 558 to 565) pertain to 24 cases in which the petitioner is under arrest in respect of the offences punishable *inter alia* under Sections 406, 409 and 420 of the Indian Penal Code, 1860. Apart from these 24 cases, the petitioner has been bailed out in six cases while he has been charge-sheeted without arrest in 20 other cases.

Further, pursuant to complaint filed by the Directorate of Estates, the petitioner has also been accused of having committed the offences under the provisions of the Prevention of Money Laundering Act, 2002 ("the Act" for short). The

trial in that matter is presently going on and only 2/3 witnesses have been examined so far.

It is to be noted here that the cases mentioned in Annexure P-20 do not comprise of case under the provisions of the Act.

Mr. Ranjit Kumar, learned Senior Advocate appearing for the petitioner submits that the petitioner was taken in custody on 11.10.2018 and was released pursuant to interim bail granted by this Court on 22.08.2022.

It must be stated here that because of the medical condition of the daughter of the petitioner, this Court deemed it appropriate to release the petitioner on interim bail vide Order dated 22.08.2022 which relief the petitioner is still enjoying as of now.

Mr. Ranjit Kumar, learned Senior Advocate fairly submits that the application for bail preferred in the matter concerning the offences under the Act was rejected by the Trial Court and the petitioner intends to take up the challenge in the High Court.

It is further brought to our notice that in an Order passed by the High Court of Judicature at Allahabad in Bail Application No.3880 of 2021 relating to one of the co-accused from Amgrapali Group of Companies, while rejecting the application, it was observed by the High Court:

" ... However, the fact remain that the investigation in the present case is being monitored by the Hon'ble Supreme Court as is clear from the judgment dated 23.07.2019 passed in the case of *Bikram Chatterji (supra)*, thus only on the ground of propriety, I do not deem it appropriate to enlarge the applicant on bail by this Court. The application on that ground alone stands *rejected*."

What emerges from these facts is that the relief of bail was not granted to the petitioner in the matter concerning offences under the Act and said matter is not before us, either in the form of a regular challenge or even in the form of an assertion in the writ petition.

In the circumstances, we direct as under:

- a. The petitioner may, if advised, take up the challenge insofar as rejection of bail application in the matter concerning offence under the Act is concerned, at the appropriate level.
- b. Since the medical condition of the daughter of the petitioner has improved, the protection by way of interim bail granted to the petitioner is withdrawn. The petitioner shall surrender before the Court [i.e. the Court of the Chief Metropolitan Magistrate (East), Karkardooma District Courts, Delhi] which had accepted bail-bonds pursuant to the order of interim bail

granted by this Court, on or before 07.11.2022 and he shall be taken in custody immediately.

- c. Upon such surrender, the bail-bonds furnished at the time of grant of interim bail shall stand discharged.
- d. In case of failure on the part of the petitioner to surrender, he shall immediately be arrested and the bail-bonds furnished at the stage of released on interim bail, shall stand forfeited.

The petitioner shall be entitled to renew the prayer for hearing the instant writ petition only after the culmination of the challenge insofar as the rejection of his bail is concerned.

(MUKESH NASA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER