



**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Order Reserved on : 20/03/2023**

**Order Delivered on : 31/03/2023**

**M.Cr.C.(A) No. 328 of 2023**

Aman Kumar Singh S/o. Late Shri Yadu Nath Singh, Aged About 54 Years, R/o Belvedre Club, Ahmedabad, Gujarat.

---- Applicant

**Versus**

State Of Chhattisgarh Through Superintendent Of Police, The Economic Offences Wing/ Anti-Corruption Bureau Gaurav Path, Opp. Jai Jawan Petrol Pump, Telibandha, Raipur - 492001, (Chhattisgarh)

---- Respondent

**And**

**M.Cr.C.(A) No. 329 Of 2023**

Yasmin Singh W/o Shri Aman Kumar Singh Aged About 51 Years R/o A-3, Shahapura, Bhopal, 462039, Madhya Pradesh.

---- Applicant

**Vs**

State Of Chhattisgarh Through Superintendent Of Police, The Economic Offence Wing/ Anti Corruption Bureau, Gaurav Path, Opp. Jai Jawan Petrol Pump, Telibandha, Raipur 492001, Chhattisgarh.

---- Respondent

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For the Applicants	: Shri Anil Khare, Senior Advocate, Shri Abhishek Sinha, Senior Advocate alongwith Shri Vivek Sharma, Advocate.
For Respondent/State	: Shri Amrito Das, Additional Advocate General.
For the Objector	: Shri Manoj Sharma, Senior Advocate with Shri Md.Ruhul Amin Memon, & Shri Arvind Kumar Dubey, Advocates.

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**Hon'ble Shri Justice Rakesh Mohan Pandey**

**CAV ORDER**

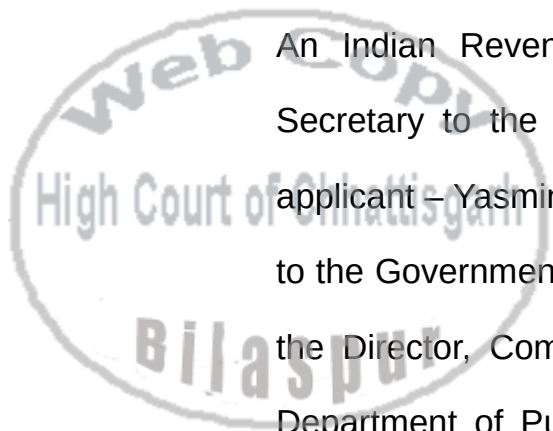
Heard.

- Both these applications filed under Section 438 of the Cr.P.C. are being heard together and decided by this common order.



2. The instant bail applications have been filed by the applicants for grant of anticipatory bail, who are apprehending their arrest in connection with Crime No. 9 of 2020 registered at Police Station – Economic Offences Wing/Anti Corruption Bureau, Raipur, District Raipur, for commission of offence punishable under Sections 13(1)(b) and (2) of the Prevention of Corruption Act, 1988 and Section 120B of Indian Penal Code.

3. As per the prosecution story, complainant – Uchit Sharma lodged a complaint on 11.10.2019 in the Office of the Chief Minister of the State alleging that applicant – Aman Kumar Singh (in MCRCA No.328 of 2023), An Indian Revenue Service (IRS) Officer and the Former Principal Secretary to the erstwhile Chief Minister of the Chhattisgarh, his wife applicant – Yasmin Singh (in MCRCA No.329 of 2023), Former Consultant to the Government of Chhattisgarh, who had worked on contract basis as the Director, Communication and Capacity Development Unit (CCDU), Department of Public Health Engineering, Government of Chhattisgarh from 14.11.2005 to 31.03.2015 and thereafter, as the Director of ICE and Capacity Building, Department of Panchayat & Rural Development, Government of Chhattisgarh from 01.04.2015 to 10.12.2018 and his family were involved in corruption and money laundering. It is also alleged that the assets held by applicant – Aman Kumar Singh and Yasmin Singh are disproportionate to their known sources of income. After receiving such complaint, the Chief Minister directed the Chief Secretary of the State to have the complaint enquired into by the Economic Offences Wing (EOW). Vide letter dated 21.10.2019, the complaint was forwarded by General Administration Department of the State (for short 'GAD') to the Economic Offences Wing/Anti Corruption Bureau (for short 'EOW/ACB')





to conduct an enquiry, consequently, a preliminary enquiry bearing No. P.E. 35/2019 was registered.

4. The applicant – Yasmin Singh had filed W.P.(S) No. 6521 of 2019 questioning the departmental enquiry initiated against her and to set aside the order dated 10.05.2019, whereby the GAD had instituted an enquiry, which was initiated on the basis of the complaint dated 12.04.2019 lodged by one Vikas Tiwari (spokesperson of the Chhattisgarh unit of the Indian National Congress party). In the writ petition, an application for interim relief was also filed and the same was allowed vide order dated 16.01.2020, where this Court directed the State not to take any steps to her prejudice pursuant to letter dated 21.10.2019. A letter dated 21.10.2019 issued by GAD, was also challenged by the applicant – Aman Kumar Singh by filing W.P.(Cr.) No. 88 of 2020 where he prayed for production of entire records pertaining to letter dated 21.10.2019 and for quashing of the said letter however, during the pendency of the aforesaid writ petition, an FIR was registered against both the applicants on 28.02.2020. Applicant – Aman Kumar Singh applied for amendment in W.P.(Cr.) No. 88 of 2020 seeking therein challenge to the FIR registered against him along with an application for interim relief for staying the effect/operation of the FIR.

5. Interim application moved by applicant – Aman Kumar Singh in W.P.(Cr.) No. 88 of 2020 was allowed by this Court vide order dated 28.2.2020 wherein it was directed that no coercive steps be taken against him till the next date of hearing. Applicant – Yasmin Singh also filed W.P. (Cr.) No.154 of 2020 for quashing of FIR.

6. After hearing both the parties, this Court vide order dated 10.01.2022 allowed the petitions preferred by the applicants and quashed



the FIR No. 9 of 2020 registered against both the applicants. The order passed in W.P.(Cr.) No. 88 of 2020 and W.P.(Cr.) No. 154 of 2020 along with other orders were challenged before the Hon'ble Supreme Court in SLP Criminal No. 1703-1705 of 2022 and SLP Criminal No. 1769-1770 of 2022 by the State of Chhattisgarh and the complainant. The Hon'ble Supreme Court allowed the Special Leave Petitions and set aside the order passed by the High Court in W.P.(Cr.) No. 88 of 2020 and 154 of 2020. While setting aside the impugned judgment and order passed by the High Court, the Hon'ble Supreme Court granted interim protection for a period of three weeks to the applicants to pursue their remedies in accordance with law.

7. Thereafter, the applicants directly approached this Court by filing M.Cr.C.(A) No.296 of 2023 for grant of anticipatory bail where the said application was dismissed granting liberty in favor of the applicants to approach the Court below in accordance with law. It appears that thereafter, the applicants moved separate applications for grant of anticipatory bail before the learned Special Judge, Anti Corruption Bureau and learned First Additional Sessions Judge, Raipur and both the applications were dismissed vide order dated 10.03.2023 against which, these two bail applications have been preferred before this Court.

8. On 16.03.2023, both the matters came up for hearing where learned counsel for the applicants prayed for grant of ad-interim bail however, the counsel for the State sought for time and made request to post this matter on 20.03.2023.

9. On 20.03.2023, this Court heard the arguments advanced by the respective counsels and both the cases were reserved for orders and till delivery of orders, protective orders granted earlier to the applicants were



extended.

**10.** The FIR was registered in pursuance of a complaint lodged by complainant – Uchit Sharma in the office of the Chief Minister of the State, making a request for an enquiry into disproportionate assets held and various scams/money laundering activities done by the present applicants. It is alleged in the FIR that the applicant – Aman Kumar Singh resigned from IRS to Join C.M. Secretariat, Chhattisgarh in the year 2004 and worked till 2018 on contract basis. It is further alleged that the applicant – Aman Kumar Singh has managed to amass disproportionate assets of more than 2500 crores contrary to his legal sources of income.

The types of assets are:

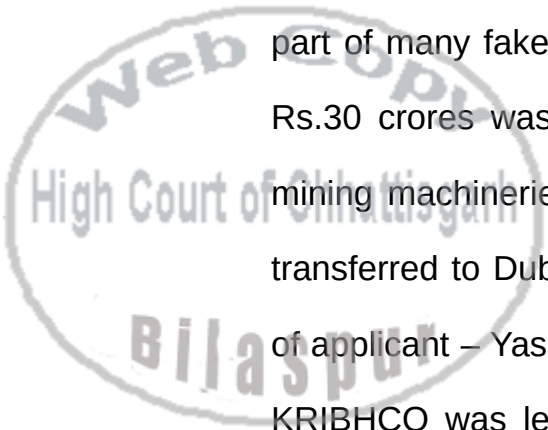
- (a) Benami investments in properties;
- (b) Businesses in the names of family members.

Applicant – Aman Kumar Singh incorporated Y.N. Singh Memorial Foundation (Trust) as promoter despite being in government service and used it for money laundering and investment of black money earned by him during his tenure in Chhattisgarh. He holds 1/3rd shares in this foundation along with his brothers Aseem Singh and Arun Singh. It is also alleged that Aman Kumar Singh has taken lots of money in Naya Raipur Project and in construction of Cricket Stadium and he preferred to receive these funds in Dubai and in offshore bank accounts. He has also collected extortion money of Rs.10 crores per month from police, excise, corporates and others and the amount was transferred to other states for utilizing in companies of his brothers. The applicant and his family have acquired thousands of acres of benami land which are situated in Chhattisgarh, Madhya Pradesh, Karnataka, Delhi, Maharashtra and



abroad. He has also invested huge amount in a megaproject 'NEOM' of Saudi Arabia and Tunis Economic City of Tunisia.

**11.** Applicant – Yasmin Singh, who is the wife of Aman Kumar Singh, works in Multiple Works Departments for 13-14 years. She visited different dancing events throughout India and abroad showing herself on government duty. She has purchased land in prime areas worth crores of rupees. She has purchased land in her name in Mandir Hasod and also in the benami name of Bindu Kumari Omanna Amma. She had links with multiple terrorist organizations and she used to organize them in different ways. Applicant – Aman Kumar Singh was part of various scams. He was part of many fake and shady transactions in the illegal activities. Around Rs.30 crores was transferred to Hong Kong on pretext of payment for mining machineries, which were not imported. Around Rs.8 crores were transferred to Dubai Feldspar but the fund was deposited in the account of applicant – Yasmin Singh. More than one thousand acres of land from KRIBHCO was leased to Y.N. Singh Memorial Foundation Trust, many benami properties in Bhopal, Mandideep and Raisen were transferred to this trust. Applicant – Aman Kumar Singh had also procured apartments in Burj Khalifa in Dubai and the said property has been purchased in the name of George Henry. After resigning from the State of Chhattisgarh, applicant – Aman Kumar Singh has joined in Ratan Power and he is drawing a salary of Rs.6 crores annually but the company is financially bankrupt therefore, it is not possible for this company to make such a huge payment. Applicant – Aman Kumar Singh has also ensured payment of India Today Group, Times Now Group, Republic etc. in lieu of advertisements. The complainant has also made allegation against Mukesh Gupta, Subodh Singh, Shivraj Singh, Ajay Dubey, Harshvardhan





Parashar and Deepak Sinha. On such complaint, the EOW/ACB registered an FIR on 25.02.2020 against both the applicants for commission of offence punishable under Sections 13(1)(b) and (2) of the Prevention of Corruption Act, 1988 and Section 120B of Indian Penal Code.

**12.** Learned Senior Counsel appearing for the applicants would submit that applicant – Aman Kumar Singh joined the Indian Revenue Services (IRS) in the year 1995 and on deputation, he joined the services of Government of Chhattisgarh in the year 2004 whereas, applicant – Yasmin Singh was appointed on the post of Director, Communication and Capacity Unit, Department of Public Health Engineering, Chhattisgarh vide order dated 09.11.2005. On 12.12.2018, applicant – Aman Kumar Singh resigned from the State Government service and on the same date, the co-applicant also resigned. They would submit that after formation of the new government, a complaint was made by complainant – Uchit Sharma on 11.10.2019 against both the applicants making baseless allegations. An enquiry was initiated and a letter was issued by EOW on 14.11.2019 to the Income Tax Department, Ministry of Finance, Raipur for providing income-tax details of the applicants from 2003-04 to 2018-19. On 19.11.2019, another letter was issued by EOW to the ICICI Bank, Civil Lines, Raipur to provide certified copy of statements of account opening form from inception along with other details. It is also submitted that when the EOW/ACB did not find any material against the present applicants, an FIR was registered to implicate the applicants in a false case, consequently, on 25.02.2020, FIR bearing No. 9 of 2020 was registered by EOW/ACB, District Raipur for commission of offence punishable under Sections 13(1)(b) and 13(2) of Prevention of Corruption Act and Section



120B of IPC against the applicants. The registration of FIR as aforesaid was challenged by both the applicants by filing W.P.(Cr.) No. 88 of 2020 and W.P.(Cr.) No. 154 of 2020 and this Court granted interim protection vide order dated 28.02.2020 and 03.03.2020 respectively, to the applicants – Aman Kumar Singh and Yasmin Singh. They would submit that this Court vide order dated 10.01.2022 passed a common judgment in W.P.(Cr.) No. 88 of 2020, W.P.(Cr.) No. 154 of 2020 and W.P.(Cr.) No. 206 of 2020 thereby quashing the FIR No. 9 of 2020 registered against the applicants. They would submit that the State preferred SLPs before the Hon'ble Supreme Court and vide judgment dated 01.03.2023, the petitions preferred by the State Government and the complainant were allowed and the FIR No.9 of 2020 has been restored however, the Hon'ble Supreme Court granted interim protection to the applicants for a period of three weeks to avail the remedies in accordance with law.

**13.** Next contention of learned Senior Counsel appearing for the applicants is that though interim protection was granted to the applicants in W.P.(Cr.) No. 88 of 2020 and W.P.(Cr.) No. 154 of 2020 however, the investigation was not stayed, therefore, the EOW issued a summon dated 21.09.2020 under Section 91 read with Section 160 of Cr.P.C., summoning the applicant – Aman Kumar Singh to appear in the office of EOW on 01.10.2020 at 11:00 am and he was also directed to produce certain documents. They would submit that notice was issued during pandemic period, therefore, the applicant – Aman Kumar Singh sent an email on 30.09.2020, reverting to summon notice and clarifying the fact that EOW is already in possession of various details pertaining to all sources of income and assets of the applicants and most of the documents were collected by the investigating agency during the





preliminary enquiry. Thereafter, a second summon notice dated 05.10.2020 was issued to the applicant – Aman Kumar Singh for his appearance in the office of EOW on 23.10.2020 but during that period, the applicant – Aman Kumar Singh was detected corona positive, therefore, he expressed his inability vide an email dated 22.10.2020 at the same time, he assured the investigating agency to answer all the queries via a secured video link. On 22.09.2021, another summon notice was issued to the applicant – Aman Kumar Singh for production of documents. Thereafter, applicant – Aman Kumar Singh submitted a detailed representation on 01.02.2021, 25.02.2021, 20.07.2021, 06.03.2023 and 12.03.2023 thereby clarifying and providing details regarding his income during the 'check period'.

**14.** It is further contended by learned Senior Counsel appearing for the respective applicants that after restoration of FIR by the Hon'ble Supreme Court, the applicant – Aman Kumar Singh voluntarily sent an email on 03.03.2023 and 04.03.2023 to the investigating agency intimating his availability for appearing in person on 07.03.2023. In turn, the investigating agency sent an email on 04.03.2023 at 3:59 pm directing him to appear in person on 06.03.2023. On 06.03.2023, the applicant – Aman Kumar Singh appeared before the Investigating Agency and he was interrogated for about 9 hours where he provided the information sought by them.

**15.** It is also contended by learned counsel for the applicants that there are frivolous allegations against the present applicants, they are not involved in any scams and they have been arrayed as accused due to ulterior motive in order to humiliate them. They would further submit that the applicants have fully cooperated in the investigation during the



pendency of W.P.(Cr.) No.88 of 2020 and W.P.(Cr.) No. 154 of 2020 and they are still cooperating. They would also submit that the investigating agency has thoroughly conducted an investigation in the form of Preliminary Enquiry bearing No.35/2019 for about three months and all the material documents have already been collected. The applicants have submitted detailed explanation through email regarding the sources of income and the property owned by them and they are ready to cooperate with the investigating agency in future.

**16.** The next contention of learned Senior Counsel appearing for the respective applicants is that on 11.10.2019 a complaint was made thereafter, preliminary enquiry was conducted and on 25.02.2020 FIR was registered. On 28.02.2020 and 03.03.2020 respectively, an interim order was passed by the High Court in favour of the applicants in W.P.(Cr.) No. 88 of 2020 and W.P.(Cr.) No. 154 of 2020 which continued till disposal of the writ petition. They would submit that the Hon'ble Supreme Court while allowing the petitions preferred by the State Government and the complainant, was kind enough to grant interim protection for a period of three weeks enabling the applicants to pursue their remedy available under the law. They would further submit that the applicants are under protective umbrella since 28.02.2020. They would submit that most part of the investigation has already been completed through preliminary enquiry and on 06.03.2023, the applicant – Aman Kumar Singh has already been interrogated by the investigating agency for about 9 hours. The applicants have already submitted all the documents which are in their possession. The investigating agency during the course of investigation may collect all the documents which are necessary for completion of the investigation and the applicants are ready to cooperate. They would further submit that



the applicants are residents of India, earlier they were government servants also, they will not tamper with the evidences, there is no likelihood of their absconding, there are no criminal antecedents of the applicants, and therefore, they would pray for grant of anticipatory bail to the applicants.

Reliance has been placed upon the judgment of the Hon'ble Supreme Court in the matter of:-

(i) Siddharam Satlingappa Mhetre vs. State of Maharashtra and Ors., 2011 (1) SCC 694,

(ii) State of Maharashtra vs. Pollonji Darabshaw Daruwalla, 1987 (Suppl.) SCC 379, and

(iii) Sushila Aggarwal and Others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1

17. *Per contra*, learned counsel appearing for the State and learned Senior Counsel appearing for the complainant would oppose the submissions advanced on behalf of the applicants. They would submit that from perusal of the FIR, on the face of record, alleged serious incidents indicate the ingredients which constitute commission of offence punishable under Sections 13(1)(b) and 13(2) of the Prevention of Corruption Act and Section 120B of the IPC. They would further submit that the applicants held high office since 2004 to 2018 and they were involved in corruption. They held assets disproportionate to their known sources of income. Both the applicants have various bank accounts and they have invested huge amount within the country as well as abroad. It is next contended that FIR reveals that Rs.1,01,83,869/- was deposited by Cargill India Private Limited during the period from April 2013 to July,



2016 and an amount of Rs.75,55,058/- by one Courtesan Consulting Private Limited during the period from October, 2018 to November, 2019 in the bank account of applicant – Aman Kumar Singh. They would submit that the applicants are required to cooperate in the investigation since the statute under Section 13 of the PC Act, provides for presumption, which operates against the applicants. They would submit that multiple notices were issued for appearance during the course of investigation but the applicants did not appear; since there was an interim order operating in favour of the applicants, the investigating agency could not force the applicants in any manner to join the investigation and therefore, the investigation could not be conducted at a desired pace. On 14.03.2023, a notice was issued to applicant – Aman Kumar Singh but he did not appear rather, he sought time for furnishing of requisite information. They would also submit that considering the nature of economic offences, the Hon'ble Supreme Court has time and again held that at the stage of investigation, grant of anticipatory bail to an accused alleged to have committed economic offence would frustrate the investigation since the accused if armed with an order of anticipatory bail would hardly cooperate in the investigation. They would also submit that the investigation in an economic offence has to be made and handled, would require custodial investigation. They submit that the applicants should not be given benefit of anticipatory bail.

Reliance has been placed upon the judgment of the Hon'ble Supreme Court in the matter of-

- (i) Pokar Ram vs. State of Rajasthan and Others, (1985) 2 SCC 597,
- (ii) State of Gujarat vs. Mohanlal Jitmalji Porwal, (1987) 2 SCC 364,
- (iii) State of A.P. vs. Bimal Krishna Kundu and Another, (1997) 8 SCC



104,

- (iv) Y.S. Jagan Mohan Reddy vs. Central Bureau of Investigation, (2013) 7 SCC 439,
- (v) Nimmagadda Prasad vs. Central Bureau of Investigation, (2013) 7 SCC 466,
- (vi) Gautam Kundu vs. Directorate of Enforcement (Prevention of Money-Laundering Act), Government of India through Manoj Kumar, Assistant Director, Eastern Region, (2015) 16 SCC 1,
- (vii) Rohit Tandon vs. Directorate of Enforcement, (2018) 11 SCC 46,  
and
- (viii) Serious Fraud Investigation Office vs. Nittin Johari and Another, (2019) 9 SCC 165,

**18.** I have heard learned counsel for the parties at length and also considered their rival submissions made hereinabove.

**19.** For the purpose of discussion, it would be apposite to go through Section 438 of the Code of Criminal Procedure, 1973:-

**438. Direction for grant of bail to person apprehending arrest:-**

[(1) Where any person has reason to believe that he may be arrested on accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail; and that Court may, after taking into consideration, inter-alia, the following factors, namely-

- (i) the nature and gravity of the accusation;
- (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;
- (iii) the possibility of the applicant to flee from justice; and
- (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so



arrested,

either reject the application forthwith or issue an interim order for the grant of anticipatory bail;

Provided that, where the High Court or, as the case may be, the Court of Session, has not passed any interim order under this Sub-Section or has rejected the application for grant of anticipatory bail, it shall be open to an officer in-charge of a police station to arrest, without warrant the applicant on the basis of the accusation apprehended in such application.

1A. Where the Court grants an interim order under Sub-Section (1), it shall forthwith cause a notice being not less than seven days notice, together with a copy of such order to be served on the Public Prosecutor and the Superintendent of Police, with a view to give the Public Prosecutor a reasonable opportunity of being heard when the application shall be finally heard by the Court,

1B. The presence of the applicant seeking anticipatory bail shall be obligatory at the time of final hearing of the application and passing of final order by the Court, if on an application made to it by the Public Prosecutor, the Court considers such presence necessary in the interest of justice.]

2. When the High Court or the Court of Session makes a direction under subsection (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under Sub-Section (3) of section [437](#), as if the bail were granted under that section.

3. If such person is thereafter arrested without warrant by an officer in charge of a police station on such accusation, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail, and if a Magistrate taking cognizance of such offence decides that a warrant should issue in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court under Sub-Section (1).



4. Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under sub-section (3) of section [376](#) or section [376AB](#) or section [376DA](#) or section [376DB](#) of the Indian Penal Code. {Inserted by Criminal Law (Amendment) Act, 2018}

- [The sub-section (1) above has been substituted by Act 25 of 2005, however, it has not been enforced]

**20.** Though, the term “anticipatory bail” has not been defined in the Code, however, it means “bail in anticipation of arrest”. Anticipatory bail can be applied for at pre-investigation stage as well as post-investigation stage and after exercising the discretion judiciously, the Sessions Court or the High Court grants “anticipatory bail” and that too after hearing the prosecution in this regard. However, while granting or refusing the anticipatory bail the sole consideration must be with a view to balance the two competing interests viz. protecting the liberty of the accused and the sovereign power of the police to conduct a fair investigation. The discretion of the Sessions Court and the High Court is absolute, and no limitations whatsoever have been imposed by the legislature. The object of bail is to secure the appearance of the accused person at his trial; otherwise on his failure to appear so, the sureties will be bound to produce him before the court.

**21.** KRISHNA IYER, J., in *Narasimhulu's case* [*Gudikanti Narasimhulu v. Public Prosecutor, A.I.R. 1978 S.C. 429.*] remarked that-

*“the subject of bail belongs to the blurred area of the criminal justice system and largely hinges on the hunch of the bench, otherwise called judicial discretion. The Code is cryptic on this topic and the court prefers to be tacit, be the order custodial or not. And yet, the issue is one of liberty, justice, public safety and burden of public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process.”*

**22.** In *Gurbaksh Singh Sibbia v. State of Punjab*, (1980) 2 SCC 565,



the purpose of granting bail is set out with great felicity as follows:

27. *It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in Nagendra Nath Chakravarti, In re [Nagendra Nath Chakravarti, In re, 1923 SCC OnLine Cal 318 : AIR 1924 Cal 476 : 1924 Cri LJ 732] , AIR pp. 479-80 that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the "Meerut Conspiracy cases" observations are to be found regarding the right to bail which deserve a special mention. In K.N. Joglekar v. Emperor [K.N. Joglekar v. Emperor, 1931 SCC OnLine All 60 : AIR 1931 All 504 : 1932 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the Court that there was no hard-and-fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In Emperor v. H.L. Hutchinson [Emperor v. H.L. Hutchinson, 1931 SCC OnLine All 14 : AIR 1931 All 356 : 1931 Cri LJ 1271] , AIR p. 358 it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the Criminal Procedure Code was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.*

23. It has been held by the Delhi High Court in case *Anil Mahajan v. Commissioner of Customs*, (2000) 3 RCR (Cri) 242 that "in case, the Economic offence of grave nature is there, the bail cannot be refused simply on the ground that it was a case of grave economic offence."





24. In *Sushila Aggarwal v. State (NCT of Delhi)*, (2020) 5 SCC 1, it was observed therein thus;-

*“52. In the light of the relevant extracts of Sibbia [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] , it would now be worthwhile to recount the relevant observations on the issue. The discussion and conclusions in Sibbia [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] are summarised as follows:*

52.2. *Grant of an order under Section 438(1) does not per se hamper investigation of an offence; Sections 438(1)(i) and (ii) enjoin that an accused/applicant should cooperate with investigation. Sibbia [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] also stated that courts can fashion appropriate conditions governing bail, as well. One condition can be that if the police makes out a case of likely recovery of objects or discovery of facts under Section 27 (of the Evidence Act, 1872), the accused may be taken into custody. Given that there is no formal method prescribed by Section 46 of the Code if recovery is made during a statement (to the police) and pursuant to the accused volunteering the fact, it would be a case of recovery during “deemed arrest”. (Para 19 of Sibbia [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] )*

52.3. *The accused is not obliged to make out a special case for grant of anticipatory bail; reading an otherwise wide power would fetter the court's discretion. Whenever an application (for relief under Section 438) is moved, discretion has to be always exercised judiciously, and with caution, having regard to the facts of every case. (Para 21, Sibbia [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] )*

52.4. *While the power of granting anticipatory bail is not ordinary, at the same time, its use is not confined to exceptional cases. (Para 22, Sibbia [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] )*

52.5. *It is not justified to require courts to only grant anticipatory bail in special cases made out by accused, since the power is extraordinary, or that several considerations — spelt out in Section 437—or other considerations, are to be kept in mind. (Paras 24-25, Sibbia [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] )*

52.6. *Overgenerous introduction (or reading into) of constraints on the power to grant anticipatory bail would render it constitutionally vulnerable. Since fair procedure is part of Article 21, the court should not throw the provision (i.e. Section 438) open to challenge “by reading words in it which are not to be found therein”. (Para 26)*



52.7. There is no “inexorable rule” that anticipatory bail cannot be granted unless the applicant is the target of mala fides. There are several relevant considerations to be factored in, by the court, while considering whether to grant or refuse anticipatory bail. Nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the accused's presence not being secured during trial; a reasonable apprehension that the witnesses might be tampered with, and “the larger interests of the public or the State” are some of the considerations. A person seeking relief (of anticipatory bail) continues to be a man presumed to be innocent. (Para 31, Sibbia [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] )

52.8. There can be no presumption that any class of accused i.e. those accused of particular crimes, or those belonging to the poorer sections, are likely to abscond. (Para 32, Sibbia [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] )

52.9. Courts should exercise their discretion while considering applications for anticipatory bail (as they do in the case of bail). It would be unwise to divest or limit their discretion by prescribing “inflexible rules of general application”. (Para 33, Sibbia [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] )

52.10. The apprehension of an applicant, who seeks anticipatory bail (about his imminent or possible arrest) should be based on reasonable grounds, and rooted on objective facts or materials, capable of examination and evaluation, by the court, and not based on vague unspelt apprehensions. (Para 35, Sibbia [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] )

(emphasis supplied)

25. In *Sushila Aggarwal (supra)* it was further observed in para 57 thus-

57. The interpretation of Section 438 — that it does not encapsulate Article 21, is erroneous. This Court is of the opinion that the issue is not whether Section 438 is an intrinsic element of Article 21: it is rather whether that provision is part of fair procedure. As to that, there can be no doubt that the provision for anticipatory bail is pro-liberty and enables one anticipating arrest, a facility of approaching the court for a direction that he or she not be arrested; it was specifically enacted as a measure of protection against arbitrary arrests and humiliation by the police, which Parliament itself recognised as a widespread malaise on the part of the police.

26. In *Sushila Aggarwal (supra)* at para 62 it is held that “In this



*background, it is important to notice that the only bar, or restriction, imposed by Parliament upon the exercise of the power (to grant anticipatory bail) is by way of a positive restriction i.e. in the case where accused are alleged to have committed offences punishable under Section 376(3) or Section 376-AB or Section 376-DA or Section 376-DB of the Penal Code. In other words, Parliament has now denied jurisdiction of the courts (i.e. Court of Session and High Courts) from granting anticipatory bail to those accused of such offences. The amendment [Code of Criminal Procedure Amendment Act, 2018 introduced Section 438(4)] reads as follows:*

*“438. (4) Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under sub-section (3) of Section 376 or Section 376-AB or Section 376-DA or Section 376-DB of the Indian Penal Code.”*

It was further observed in paras 74 to 76 thus-

*74. Now, coming to the instruction in some decisions that anticipatory bail should not be given, or granted with stringent conditions, upon satisfaction that the accused is not involved, Sibbia [Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 : 1980 SCC (Cri) 465] , clearly disapproved the imposition of such restrictions, or ruling out of certain offences or adoption of a cautious or special approach. It was held that : (SCC pp. 581-82, paras 16-18)*

*“16. A close look at some of the rules in the eight-point code formulated by the High Court will show how difficult it is to apply them in practice. The seventh proposition says:*

*‘The larger interest of the public and State demand that in serious cases like economic offences involving blatant corruption at the higher rungs of the executive and political power, the discretion under Section 438 of the Code should not be exercised.’*

*17. How can the court, even if it had a third eye, assess the blatantness of corruption at the stage of anticipatory bail? And will it be correct to say that blatantness of the accusation will suffice for rejecting bail, even if the applicant's conduct is painted in colours too lurid to be true? The eighth proposition rule framed [Gurbaksh Singh Sibbia v. State of Punjab, 1977 SCC OnLine P&H 157 : ILR (1978) 1 P&H 109] by the High Court says:*

*‘Mere general allegations of mala fides in the petition are inadequate. The court must be satisfied on materials before it that the allegations of mala fides are substantial and the accusation appears to be false and groundless.’*



*Does this rule mean, and that is the argument of the learned Additional Solicitor General, that the anticipatory bail cannot be granted unless it is alleged (and naturally, also shown, because mere allegation is never enough) that the proposed accusations are mala fide? It is understandable that if mala fides are shown, anticipatory bail should be granted in the generality of cases. But it is not easy to appreciate why an application for anticipatory bail must be rejected unless the accusation is shown to be mala fide. This, truly, is the risk involved in framing rules by judicial construction. Discretion, therefore, ought to be permitted to remain in the domain of discretion, to be exercised objectively and open to correction by the higher courts. The safety of discretionary power lies in this twin protection which provides a safeguard against its abuse.*

18. According to the sixth proposition framed [Gurbaksh Singh Sibia v. State of Punjab, 1977 SCC OnLine P&H 157 : ILR (1978) 1 P&H 109] by the High Court, the discretion under Section 438 cannot be exercised in regard to offences punishable with death or imprisonment for life unless, the court at the stage of granting anticipatory bail, is satisfied that such a charge appears to be false or groundless. Now, Section 438 confers on the High Court and the Court of Session the power to grant anticipatory bail if the applicant has reason to believe that he may be arrested on an accusation of having committed “a non-bailable offence”. We see no warrant for reading into this provision the conditions subject to which bail can be granted under Section 437(1) of the Code. That section, while conferring the power to grant bail in cases of non-bailable offences, provides by way of an exception that a person accused or suspected of the commission of a non-bailable offence “shall not be so released” if there appear to be reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life. If it was intended that the exception contained in Section 437(1) should govern the grant of relief under Section 438(1), nothing would have been easier for the legislature than to introduce into the latter section a similar provision. We have already pointed out the basic distinction between these two sections. Section 437 applies only after a person, who is alleged to have committed a non-bailable offence, is arrested or detained without warrant or appears or is brought before a court. Section 438 applies before the arrest is made and, in fact, one of the preconditions of its application is that the person, who applies for relief under it, must be able to show that he has reason to believe that “he may be arrested”, which plainly means that he is not yet arrested. The nexus which this distinction bears with the grant or refusal of bail is that in cases falling under Section 437, there is some concrete data on the basis of which it is possible to show that there appear to be reasonable grounds for believing that the applicant has been guilty of an offence punishable with death or imprisonment for life. In cases falling under Section 438 that stage is still to arrive and, in the generality of cases thereunder, it would be premature and indeed difficult to predicate that there are or are not reasonable grounds for so believing. The foundation of the belief spoken of in Section 437(1), by reason of which the court cannot release the applicant on bail is, normally, the credibility of the allegations contained in the first information report.”





75. For the above reasons, the answer to the first question in the reference made to this Bench is that there is no offence, *per se*, which stands excluded from the purview of Section 438, except the offences mentioned in Section 438(4). In other words, anticipatory bail can be granted, having regard to all the circumstances, in respect of all offences. At the same time, if there are indications in any special law or statute, which exclude relief under Section 438(1) they would have to be duly considered. Also, whether anticipatory bail should be granted, in the given facts and circumstances of any case, where the allegations relating to the commission of offences of a serious nature, with certain special conditions, is a matter of discretion to be exercised, having regard to the nature of the offences, the facts shown, the background of the applicant, the likelihood of his fleeing justice (or not fleeing justice), likelihood of cooperation or non-cooperation with the investigating agency or police, etc. There can be no inflexible time-frame for which an order of anticipatory bail can continue.

76. Therefore, this Court holds that the view expressed in *Salauddin Abdulsamad Shaikh* [*Salauddin Abdulsamad Shaikh v. State of Maharashtra*, (1996) 1 SCC 667 : 1996 SCC (Cri) 198] , *K.L. Verma* [*K.L. Verma v. State*, (1998) 9 SCC 348 : 1998 SCC (Cri) 1031] , *Nirmal Jeet Kaur* [*Nirmal Jeet Kaur v. State of M.P.*, (2004) 7 SCC 558 : 2004 SCC (Cri) 1989] , *Satpal Singh* [*Satpal Singh v. State of Punjab*, (2018) 13 SCC 813 : (2019) 1 SCC (Cri) 424] , *AdriDharan Das* [*Adri Dharan Das v. State of W.B.*, (2005) 4 SCC 303 : 2005 SCC (Cri) 933] , *HDFC Bank* [*HDFC Bank Ltd. v. J.J. Mannan*, (2010) 1 SCC 679 : (2010) 1 SCC (Cri) 879] , and *Naresh Kumar Yadav* [*Naresh Kumar Yadav v. Ravindra Kumar*, (2008) 1 SCC 632 : (2008) 1 SCC (Cri) 277] about the Court of Session, or the High Court, being obliged to grant anticipatory bail, for a limited duration, or to await the course of investigation, so as the “normal court” not being “bypassed” or that in certain kinds of serious offences, anticipatory bail should not be granted normally — including in economic offences, etc.—are not good law. The observations which indicate that such time related or investigative event related conditions, should invariably be imposed at the time of grant of anticipatory bail are therefore, overruled.

(emphasis supplied)

27. In *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694, it was observed therein regarding avoiding of custodial interrogation if the accused is cooperating with the investigation agency, it reads thus:-

89. It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided.



Further, regarding judicious use of discretion by the Sessions as well as High Court, it was observed thus:-

*111. No inflexible guidelines or straitjacket formula can be provided for grant or refusal of anticipatory bail. We are clearly of the view that no attempt should be made to provide rigid and inflexible guidelines in this respect because all circumstances and situations of future cannot be clearly visualised for the grant or refusal of anticipatory bail. In consonance with the legislative intention the grant or refusal of anticipatory bail should necessarily depend on the facts and circumstances of each case. As aptly observed in the Constitution Bench decision in Sibbia case [(1980) 2 SCC 565 : 1980 SCC (Cri) 465] that the High Court or the Court of Session has to exercise their jurisdiction under Section 438 CrPC by a wise and careful use of their discretion which by their long training and experience they are ideally suited to do. In any event, this is the legislative mandate which we are bound to respect and honour.*

Regarding factors to be considered while dealing with application for anticipatory bail, it was held thus-

*112. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail:*

- (i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*
- (ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;*
- (iii) The possibility of the applicant to flee from justice;*
- (iv) The possibility of the accused's likelihood to repeat similar or other offences;*
- (v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*
- (vi) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;*
- (vii) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution because overimplication in the cases is a matter of common knowledge and concern;*
- (viii) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;*



*(ix) The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*

*(x) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.*

**113.** Arrest should be the last option and it should be restricted to those exceptional cases where arresting the accused is imperative in the facts and circumstances of that case. The court must carefully examine the entire available record and particularly the allegations which have been directly attributed to the accused and these allegations are corroborated by other material and circumstances on record.

**28.** On the anvil of the above discussion, the following factors are to be taken into consideration while considering an application for anticipatory bail:-

**(i)** the nature of accusation and the severity of the punishment in the case of conviction and the nature of materials relied upon by the prosecution;

**(ii)** reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses;

**(iii)** reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence;

**(iv)** character, behavior and standing of the accused and the circumstances which are peculiar to the accused;

**(v)** larger interest of the public or the State and similar other considerations.

There is no hard and fast rule regarding grant or refusal to grant bail.



Each case has to be considered on the facts and circumstances of the case and on its own merits. The discretion of the Court has to be exercised judiciously and not in an arbitrary manner.

**29.** The sum and substance of the judgments as relied upon by the learned counsel for the State is that:-

**(i)** Economic Offences constitute a class apart and need to be visited with a different approach in the matter of bail.

**(ii)** While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.

**(iii)** The primary intention behind treating “economic offences” as a separate class of crime stems from the fact that compared to a regular offence which is generally directed towards a particular person or section of the society, economic offences affect and harm the populace at large by impairing the economic stability and well-being of the nation.

**(iv)** The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community.





(v) Economic offences stand as a different class as they affect the economic fabric of the society. The privilege of the pre-arrest bail should be granted only in exceptional cases. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation.”

30. Learned counsel appearing for the non-applicants have cited the judgments referred above to the effect that the anticipatory bail should not be granted in case of ‘economic offences’. But looking to the facts of the present case, where this Court ultimately quashed the FIR and during this period the applicants were enjoying the liberty. They enjoyed it for around three years and the Apex Court has now restored the FIR. In the Case of *Sibbia (supra)*, the Hon’ble Supreme Court has observed that there is no bar in grant of anticipatory bail in case of ‘economic offences’. Therefore, the facts and circumstances of the present case are distinguishable from the facts and circumstances of the cases cited by the learned counsel for the non-applicants.

31. In light of the above discussion and considering the authoritative pronouncements rendered by the Hon’ble Supreme Court in above discussed cases, now coming to the case in hand. In the instant matter, I have to scrutinize as to whether the applicants are satisfying the factors and parameters, which are to be taken into consideration while dealing with anticipatory bail as laid down in *Siddharam Satlingappa Mhetre (supra)* or not. As laid down in above referred judgments that there is no bar in granting anticipatory bail to a person accused of committing ‘economic offence’; only bar which provides the statute is laid down under sub-section (4) of Section 438 of the Code of Criminal Procedure, 1973. In other words, anticipatory bail can be granted, having regard to all the



circumstances, in respect of all offences. At the same time, if there are indications in any special law or statute, which exclude relief under Section 438(1), they would have to be duly considered. Further, as referred above the refusal or grant of anticipatory bail must be based upon judicious use of discretion with caution, having regard to the facts of every case and particularly, bearing in mind two competitive interests viz. the power of the Police to freely investigate into the offence and liberty of an individual, therefore, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused. Also, the accused is not obliged to make out a *special* case for grant of anticipatory bail. Though, the power of granting anticipatory bail is not *ordinary*, at the same time, its use is not confined to exceptional cases.

32. The Hon'ble Supreme Court while allowing the SLP (Crl.) Nos. 1703-1705 of 2022 and SLP (Crl.) Nos. 1769-1770 of 2022, in concluding para nos. 75 to 79, held as under:-

*“75. For the forgoing reasons, we have no option but to hold that there are no cogent grounds for quashing the FIR in the present case even on the ground of mala fide.*

*76. Consequently, we set aside the impugned judgment and order and direct dismissal of the writ petitions. The appeals are, accordingly, allowed.*

*77. Interim protection granted earlier shall continue for period of three weeks, within which AS and YS may pursue their remedies in accordance with law.*

*78. Parties shall bear their own costs.*

*79. It is, however, clarified that the observations made herein are merely for the purpose of disposal of these appeals. Proceedings hereafter shall be taken to its logical conclusion strictly in accordance with law.”*

33. Since the applicants had been under the protective order from the



very inception pursuant to order passed by this Court in W.P. (Cr.) No. 88 of 2020 and W.P. (Cr.) No. 154 of 2020 in relation to FIR No. 9 of 2020 registered against the applicants. Thereafter, the said FIR was quashed by this Court vide order dated 10.01.2022. The Hon'ble Supreme Court vide judgment dated 01.03.2023 passed in SLP (CRL.) Nos.1703-1705 OF 2022 SLP (CRL.) Nos.1769-1770 OF 2022, restored the FIR however, extended the interim protection granted earlier for a further period of three weeks, within that period, present applicants were granted liberty to pursue their remedies in accordance with law, in such a situation it would not be appropriate to remove the protective order which is continuing for more than three years as of now in favor of the applicants herein. Further, it has not been brought to the notice of this court that the applicants at any time point of time in past have misused the liberty so granted.

**34.** Further, the 'check period' is of considerable length in the instant case. In *State of Maharashtra v. Pollonji Darabshaw Daruwalla*, 1987 Supp SCC 379, at para 16 it was observed that "*The choice of the period must necessarily be determined by the allegations of fact on which the prosecution is founded and rests. However, the period must be such as to enable a true and comprehensive picture of the known sources of income and the pecuniary resources and property in possession of the public servant either by himself or through any other person on his behalf, which are alleged to be so disproportionate. In the facts and circumstances of a case, a ten year period cannot be said to be incapable of yielding such a true and comprehensive picture. The assets spilling over from the anterior period, if their existence is probalised, would, of course, have to be given credit to on the income side and would go to reduce the extent and the quantum of the disproportion.*"

**35.** There are no previous criminal antecedents of the applicants,



which is also a relevant factor in refusing or granting the anticipatory bail. The applicant - Aman Kumar Singh is still cooperating with the investigation agency as is evident from the documents annexed herein. Applicant – Aman Kumar Singh vide e-mail dated 21.09.2020, 05.10.2020 and 22.09.2021 replied to the ACB/EOW expressing his willingness to cooperate in the investigation. He also made several representations dated 01.02.2021, 25.02.2021, 20.07.2021 06.03.2023 and 12.03.2023 to the ACB/EOW providing income and other details. On 06.03.2022 the applicant Aman Kumar Singh was interrogated by the ACB/EOW for about eight - nine hours and this fact has not been disputed by the counsel appearing for the State. In such a situation, question of non-cooperation doesn't arise. The applicants are residents of India and in past they have held high offices, therefore, there is no likelihood of the applicants fleeing or absconding from administration of justice. The possibility of applicants tampering with the witnesses is also negligible as mostly the evidences are in the form of documents and as what appears from the cause title that the applicant – Aman Kumar Singh is resident of Ahmedabad, Gujarat, whereas applicant – Yasmin Singh lives in Bhopal, M.P.

**36.** Considering all the above aspects of matter in hand, in considered opinion of this court benefit of Section 438 of the Code of Criminal Procedure, 1973 can be extended to the present applicants. Accordingly, the applications filed by the applicants - Aman Kumar Singh and Yasmin Singh for grant of anticipatory bail in connection with Crime No. 9 of 2020 registered at Police Station – Economic Offences Wing/Anti Corruption Bureau, Raipur, District Raipur, are allowed.

The applicants, namely, Aman Kumar Singh and Yasmin Singh, shall furnish personal bond of Rs.2,00,000 (Two Lakhs) each, with their



recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer:-

1. The applicants shall remain present before the Police Station concerned on 4<sup>th</sup> day of every month till the trial is over.
2. The applicants shall cooperate with the investigation agency and make themselves available for interrogation whenever required;
3. The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the court or to any police officer;
4. The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
5. The applicants shall not leave the territory of India, without prior permission of the court, till trial is over;
6. The applicants shall, at the time of execution of the bond, furnish their address, Aadhaar Card and mobile number to the investigating officer, and shall not change the residence till the final disposal of the case;
7. The applicants shall surrender their passport, if any, before the investigating officer within a week and, if they do not possess any passport, they shall file an affidavit to that effect before the investigating officer;
8. The applicants shall regularly remain present during the trial, and cooperate with the Trial Court to complete the fair trial for the above offences.

If breach of any of the above conditions is committed, it would be open for the State to move appropriate application for cancellation of anticipatory bail.

Sd/-

**(Rakesh Mohan Pandey)**  
Judge