



ITEM NO.2

COURT NO.2

SECTION II-B

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 15686/2024

[Arising out of impugned final judgment and order dated 28-11-2022 in BLAPL No. 2256/2021 passed by the High Court of Orissa at Cuttack]

PRANABA MUKHERJEE

PETITIONER(S)

VERSUS

THE REPUBLIC OF INDIA REPRESENTED BY THE C.B.I. RESPONDENT(S)

(IA No. 253873/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 253876/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 31-01-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) :Mr. Anand, Adv.
Mr. Abhijit Sengupta, AOR
Ms. Rajeshri Nivuratirao Reddy, Adv.
Mr. Paras Chauhan, Adv.
Mr. Navneet Singh, Adv.
Mr. Navneet Kansal, Adv.

For Respondent(s) :Mr. Satya Darshi Sanjay, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Sayooj Mohandas M, Adv.
Mr. Kushal Kolwar, Adv.
Mr. Abhinav Mishra, Adv.
Mr. Jagdish Chandra Solanki, Adv.

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

1. This is a petition seeking bail.
2. Shri Satya Darshi Sanjay, learned ASG appearing for the respondent vehemently opposes the petition. He submits that the

petitioner is involved in a scam involving huge sum of Rs.500 Crores.

3. The petitioner has suffered incarceration for more than eight years. It is further to be noted that in the trial charges are framed and some of the witnesses are examined. There are about 163 witnesses who are to be examined. The case also involves consideration of voluminous documentary evidence. As such, there is no possibility of the trial being concluded in the near future.

4. No doubt that the allegations of the prosecution are serious. However they are only allegations. They will have to be proved at the stage of the trial. Even if the petitioner is awarded maximum sentence for an offence under Section 409 of the IPC, the sentence that can be awarded would be life imprisonment that would normally be a sentence for fourteen years.

5. This Court, in the case of Manish Sisodia v. Directorate of Enforcement, reported in 2024 INSC 595, has held that a prolonged incarceration without there being a trial would amount to sentencing a person without conducting a trial. It has also been held that non-possibility of the trial being conducted expeditiously is also one of the grounds which requires consideration for grant of bail.

6. Taking into consideration this aspect of the matter, we are inclined to allow the petition.

7. The petitioner is directed to be released on bail in connection with FIR No.RC-30/S/2014 dated 05.06.2014, P.S. CBI/SCB/Kolkata, to the satisfaction of the Trial Court. In addition to the conditions to be imposed by the learned Trial Court, we direct that the petitioner shall deposit his passport with the learned Trial Court. It is further made clear that in the event the petitioner desires to travel abroad for some reason, he would be entitled to do so only after obtaining the permission of the learned Trial Court.

8. It is, however, made clear that the petitioner will cooperate in expeditious completion of the trial.

9. The special leave petition is, accordingly, disposed of.

10. Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
COURT MASTER