

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ Bail Application No.636 of 2010

Decided on : 11th May, 2012

VIJENDRA RANA

..... Petitioner

Through: Ms. Nitya Ramakrishnan &
Mr. A. Trideep, Advocates.

Versus

CENTRAL BUREAU OF INVESTIGATION

..... Respondent

Through: Mr. Dayan Krishnan, Special Public
Prosecutor for the CBI.

AND

+ Bail Application No.1353 of 2010

KULBHUSHAN PARASHAR

..... Petitioner

Through: Mr. Ram Jethmalani, Sr. Advocate
with Mr. Siddharth Aggarwal, Adv.

Versus

CENTRAL BUREAU OF INVESTIGATION

..... Respondent

Through: Mr. Dayan Krishnan, special Public
Prosecutor for the CBI.

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

V.K. SHALI, J.

1. These two bail applications of accused Vijendra Rana and Kulbhushan Parashar, bearing Nos.636 of 2012 and 1353 of 2010 respectively, have been filed under Section 439 of the

Code of Criminal Procedure seeking regular bail in respect of F.I.R. registered by CBI vide RC No.2(A)/2006/CBI/ACU/IX, under Sections 3 and 5 of the Official Secrets Act, 1923 (hereinafter referred to as 'the Act') read with Section 120-B and 409 IPC.

2. The petitioner, Vijendra Rana (A-4), was arrested on 6.4.2006 and is in judicial custody since 19.4.2006. Similarly, the petitioner, Kulbhushan Parashar (A-1), was arrested on 5.4.2006 and is also in judicial custody from the same date. The repeated attempts by both the petitioners to get the bail, both from the court of Chief Metropolitan Magistrate, Additional Sessions Judge as well as from the High Court, have not yielded any fruitful results. One significant order which has been passed in this regard and which is quite elaborate giving the alleged roles of each of the accused is passed by Hon'ble Mr. Justice S. Muralidhar on 15.5.2009 in Bail Application No.65 of 2009. In the said order of rejection of bail of both the petitioners, this Court had observed as under:-

"23. This Court, however, finds merit in the submission that with three years having elapsed and no order on charge yet being passed, there is little prospect of the trial commencing and concluding at an early date. With the order passed today by this Court in Vinod Kumar Jha v. CBI (Criminal Revision Petition No.611/2008), the furnishing of documents to the accused should take place in a time bound manner and facilitate the early conclusion of arguments on charge. In the circumstances, while rejecting the prayer for released on bail, at this stage, this Court requests the trial court to expedite the hearing of the arguments on charge and pass an appropriate order thereon on or before 31st July, 2009. It will be open to the petitioner at the first instance to apply to the trial court for bail after the order on charge and the order framing charge, if any, is passed. The petitioner will also be at liberty to renew his bail application if the directions and the time limits set in the order passed by this Court today in Vinod Kumar Jha are unable for any reasons to be adhered to. In the event of the latter contingency, the delay in the progress of the trial could indeed be a strong factor which should weigh with the trial court while considering the question of grant of bail. Such bail application will be decided on its own merits by the trial court uninfluenced by the opinion expressed in the present order.

24. For the aforementioned reasons, this Court does not find merit in this application and it is dismissed as such."

3. The sum and substance of the aforesaid order was that the concern expressed by the Court in delay in conclusion of the arguments on the question of charge and consequently, setting down the time limit of framing of charge by 31.7.2009 and in the event of that time limit not being adhered to, permitting the petitioners to file a fresh application for grant of bail before the trial court.

4. I have been informed by both the learned senior counsel for the petitioners as well as learned standing counsel for the CBI that as on date, charges against the petitioners are yet to be framed and the subsequent bail applications filed by both the accused persons were also rejected by the learned trial judge which were filed in pursuance to the orders passed by this court referred to hereinabove. It is these rejections orders passed by the learned trial court on 25.10.2008, 3.2.2009 and 30.4.2010 that has necessitated filling of the fresh bail

applications by both the petitioners before this court which are under consideration. Unfortunately, these two applications have also been pending before this court for the last more than two years for one reason or the other.

5. It may be pertinent here to mention that the arguments on the question of framing of charges are yet to be taken place. The respondents are attributing the delay in hearing the arguments on charge on the petitioner, Kulbhushan Parashar (A-1), while as it is disputed by him. He has taken the plea that he has been in custody for more than 70 months and the question of delay is only an issue, which has arisen during the past 15 months or so. It is further stated that so far as this delay of 15 months is concerned, this is also because of the change of Presiding Officer, who had heard the arguments on the question of framing of charge. The SLP has been preferred by the respondents themselves against the order of the High Court, in one of the criminal revision, for directing the respondents to supply documents, in respect of

which they were claiming privilege. It is against this order of supply of documents that the SLP has been preferred by the CBI, more of which will be dealt with later on.

6. The sum and substance of the allegations leveled by the prosecution, no doubt against both the petitioners, are very serious in nature. The brief facts of the prosecution case are that in the month of May, 2005, co-accused Wing Commander S.L. Surve (A-3) while working as Joint Director, Air Defence (Operations), Indian Air Force was apprehended by the Air Force Intelligence on strong suspicion of leaking vital information, consequent to which, his house and office were searched by the Air Force Intelligence on 21.5.2005 and during this search, one Kingston make pen drive and one home computer were seized. Thereafter, Air Force Authorities constituted a Court of Inquiry, during which inquiry, another pen drive was recovered. The forensic analysis of these two pen drives, recovered from co-accused, S.L. Surve (A-3), was got conducted and it was found that the deleted layers of the

first pen drive of Kingston make contained sensitive defence information pertaining to the Navy also. The accused, S.L. Surve (A-3), was from the Indian Air Force, but the said pen drive contained information of Indian Navy also, consequently, information was given to Navy Officials also, who along with a clone of the seized pen drive sent it for examination and necessary action at their hand. The Navy Authorities also constituted a Board of Inquiry as per part II of Navy Regulations. The forensic analysis of the clone of the said pen drive of Kingston make was also got done and thereafter, a detailed inquiry was conducted by the Navy also. On 12.07.2005, a raid was conducted at the residence of accused Vijendra Rana (A-4), petitioner when one official computer of Directorate of Naval Operations (DNO) was recovered which he allegedly had brought from the office in connivance with co-accused V.K. Jha (A-5). The said computer had been removed by the present applicant, Vijendra Rana (A-4), from DNO, which was protected by a password and contained sensitive and classified information having vital bearing on National

Security, Sovereignty and Integrity and consequent alleged leakage of the said information was considered to be prejudicial to safety and the interest of the country. Based on the findings of the Board of Inquiry, another co-accused, V.K. Jha (A-5), Commander Vijendra Rana (A-4), the present petitioner, and Captain Kashyap Kumar were dismissed from service on 28.10.2005, with the approval of the competent authorities. Thereafter, Ministry of Defence sent a reference to the CBI on 18.2.2006 intimating about the aforesaid Board of Inquiry and *inter alia* mentioned that a Commission of Enquiry, conducted by Air Headquarters had established that there has been a leakage of information to unauthorized persons and indicted three Naval Officers, namely, Captain Kashyap Kumar, co-accused, Commander V.K. Jha (A-5) and Vijendra Rana (A-4). According to the CBI, investigations were conducted and it was found that there was a criminal conspiracy amongst the aforesaid three accused persons with Kulbhushan Parashar (A-1) and another co-accused Ravi Shankaran (A-2), proclaimed offender, who indiscriminately used the non-official pen drives

and sent e-mails to unauthorized persons from the aforesaid computer installed at his residence, and passed the classified information. On the basis of these allegations, charge sheet under Section 173 Cr.P.C. was filed by the CBI under Section 3 and 5 of the Official Secrets Act (hereinafter referred to as 'the Act') read with Sections 120-B and 409 IPC. The three accused persons, namely, Abhishek Verma (A-6), Director of the Company, where accused Kulbhushan Parashar (A-1) was employed and to whom the information was allegedly leaked by him; V.K. Jha (A-5); and Commander S.L. Surve (A-3), an official of the Navy, were sent for trial. The present two accused persons, that is, Kulbhushan Parashar (A1) and Vijendra Rana (A-4) are in custody approximately for the last six years, without any substantial progress in the trial.

7. I have heard Mr. Ram Jethmalani, the learned senior counsel on behalf of accused Kulbhushan Parashar (A-1) and Ms. Nitya Ramakrishnan on behalf of accused Vijendra Rana (A-4) on the question of grant of bail. The submissions by both

the learned senior counsel Mr. Jethmalani and Ms. Nitya Ramakrishnan for enlargement of accused persons on bail are almost the same. The first submission which has been made by the learned senior counsel, Mr. Jethmalani, is that according to the allegations contained in the charge sheet filed by the CBI, admittedly, the petitioner Kulbhushan Parashar (A-1) was an employee of a company known by the name of 'Atlas'. According to the charge sheet, in the year 2003, Kulbhushan Parashar (A-1) met one Abhishek Verma (A-6) through Ravi Shankaran (A-2). Co-accused Abhishek Verma (A-6) had allegedly introduced Kulbhushan Parashar (A-1) to Mr. Philip, M.D. in M/s. Atlas Telecom, a UK and Canada based company of the Atlas Group of Companies, engaged mainly in the supply of telecom equipments sometime in the year 2004. The petitioner Kulbhushan Parashar (A-1) allegedly joined this group of companies and was made the Vice-President (Marketing) of M/s. Atlas Defence System. It is contended that as a representative of this firm, he had obtained inquiries from Army, Air Force, etc. and while in Delhi, accused

Kulbhushan Parashar (A-1) remained in constant touch with Ravi Shankaran (A-2) and continued working for the joint companies, as mentioned above. It is alleged by the counsel that so far as this divulging of information by Kulbhushan Parashar (A-1) to the said company, on the directions of Abhishek Verma (A-6) was concerned, this was only mercantile information in nature and secondly, the accused Abhishek Verma (A-6) having already been granted bail by this Court and which order has been upheld by the Supreme Court, the accused deserves to be enlarged on bail on the ground of parity itself. It was also contended by Mr. Jethmalani that as far as the other co-accused persons, namely, S.L. Surve (A-3), V.K. Jha (A-5) and Abhishek Verma (A-6) are concerned, they have also been released on bail and, therefore, notwithstanding that the petitioner is *prima facie* to face the trial for allegations, which are quite serious in nature, still having been in custody for a period of six years, the continued denial of the bail to the petitioner does not have to be by way of punishment. It has been further contended by

Mr. Jethmalani, the learned senior counsel that there is no immediate prospect of the trial being concluded in immediate near future more so, when the charges against the accused persons are yet to be framed.

8. It is also contended that the petitioner has roots in the society and is not going to flee from the processes of law. It is also stated that there is no such apprehension expressed even by the prosecution therefore, this parameter which is also relevant for deciding the bail application of the petitioners also goes in their favour. So far as the question of tampering with evidence is concerned, the charge-sheet has already been filed and therefore, most of the evidence being documentary or electronic can be hardly accessed by the petitioners. In any case, it was urged that conditions can be imposed by the Court. It was also contended that the petitioners deserve the benefit of parity as the other co-accused have been granted bail. It is contended that there is no material change in the allegations qua him also.

9. Similar submissions were also made by Ms. Nitya Ramakrishnan, the learned counsel appearing on behalf of Vijendra Rana (A-4) contended that even if the allegations against the said petitioner are taken on its face value, they, no doubt, may be considered to be serious but the severity of allegations itself is not the sole criteria for denying the benefit of bail to the accused person inasmuch as there has to be a balancing of interest of the accused in the society. It has been further contended by the learned counsel that the said accused has also been in custody for almost six years now, without being any substantial progress in the case, therefore, he may be enlarged on bail. It has also been contended that so far as the petitioner, Vijendra Rana (A-4) is concerned, he is not at all responsible for any delay, which might have occurred in the holding of the trial, and three co-accused persons having been already enlarged on bail, the petitioner also deserves to be granted the benefit of bail. The learned counsel has also drawn the attention of the court to the order passed by the Hon'ble Mr. Justice S. Muralidhar in bail application No.65 of

2009 wherein the learned judge had, way back in the year 2009, observed that any delay in conclusion of framing of the charge in itself would be entitling the petitioner to apply for grant of bail. It is, accordingly, prayed that the petitioner be extended the benefit of bail during the course of trial.

10. The second submission which has been made by learned senior counsel Mr. Jethmalani and Ms. Nitya Ramakrishana is that admittedly, there is no allegation leveled by the CBI that the petitioners will flee from the processes of law or that they do not have the roots in the society, therefore, this cannot be a ground for denying the benefit of bail to the petitioners. So far as the third condition of the release on bail is concerned, it was contended that the court has to see as to whether the release of the petitioners on bail will be a threat to holding of a fair trial or, in other words, whether there is any possibility of the petitioners trying to influence the witnesses or tamper with the evidence. In this regard, both the learned counsel contended that in the instant case, most of the evidence which

is sought to be established or proved by the CBI against the petitioners, in order to bring home the guilt of the accused persons, pertains to documentary or electronic evidence, which is already in the possession of the CBI and thus, there is hardly any occasion for the evidence being tampered with by any of the accused persons. It is also contended that the court may put such conditions in advance so as to prevent accessibility of the petitioners in tampering evidence as it may feel proper, in order to ensure that the release of the petitioners does not threaten the holding of a fair trial.

11. So far as the CBI is concerned, Mr. Dayan Krishnan opposed the applications for grant of bail to both the accused persons. It was contended by him that so far as the accused Kulbhushan Parashar (A-1) is concerned, he cannot take an advantage of parity with the other co-accused persons. In this regard, it was contended by him that Kulbhushan Parashar (A-1) has been responsible himself for delay in conclusion of arguments on the question of charge. The learned counsel has

drawn the attention of the court to the various orders passed by the trial court where it is clearly reflected that the petitioner, Kulbhushan Parashar (A-1) or his counsel have been slightly reluctant to argue the matter on the question of framing of charge and accordingly, it is denied that a contingency in terms of the judgment of Hon'ble Mr. Justice S. Muralidhar had arisen, giving rise to a question to move an application for grant of bail in terms of the order of Hon'ble Mr. Justice S. Muralidhar. It was contended by him that the petitioner cannot be permitted to take advantage of his own wrong, firstly, by delaying the disposal of the trial by one reason or the other and later on taking the plea for release on bail by contending that since there is a delay in the conclusion of the trial, therefore, he be enlarged on bail. It has also been contended by Mr. Dayan Krishnan that the Supreme Court has passed an order in SLP on 24.8.2009 that the proceedings may continue but no final judgment be passed. This order was passed in the SLP, filed by the CBI, wherein the order of the Delhi High Court directing supply of copies to the accused

persons, which are relied upon by the respondent, were directed to be supplied. The order was that the trial may continue but no final judgment be passed. Despite there being no confusion about the word 'judgment', an ambiguity is sought to be created in the order of the Apex Court by alleging that the arguments on the charge could not be heard or that there is a stay against the continuance of the trial inasmuch as the word used by the Apex Court in the said order clearly reflects passing of the final judgment and not an interim order or an interlocutory order, after hearing arguments on the question of charge. It is, accordingly, contended that this kind of submission made by the learned counsel before the Apex court and not arguing the matter before the learned trial court on this specious ground that the Supreme Court has stayed the proceedings of the trial, is unacceptable and he cannot be permitted to take advantage of his own wrong.

12. I have carefully considered this submission made on behalf of the CBI. No doubt, a party cannot be permitted to

take advantage of his own wrong. There is also no dispute that the Apex court in its interim order dated 24.8.2009 has used the words 'final judgment shall not be passed'. There is no ambiguity in the word 'judgment' as it means that the Apex Court, at the time of passing an interim order, only wanted that the order which finally determines the guilt of the accused, either by conviction or acquittal, may not be passed and obviously arguments on the question of hearing of the charge ought to have continued. Despite this, the petitioner, Kulbhushan Parashar (A-1) and his counsel have repeatedly taken dates. There is no denial of the fact that the accused seems to harbor a feeling that more the delay in the trial, greater are the chances of acquittal and therefore, an accused tries to delay the disposal of the trial but that does not mean that this attempt by a party or by an accused, who wants to delay the trial, cannot be cut short by the prosecution agency. It was equally the responsibility of the CBI that in case, an ambiguity was sought to be raised or read with regard to the interim order passed by the Apex Court, the CBI could have

got the said order clarified by filing an application before the Apex Court. I was informed that the CBI had filed an application for clarification of the interim order dated 24.8.2009 but that was rejected sometime in February, 2011.

13. There has been a delay in the conclusion of arguments regarding framing of charge. But I feel, the petitioner, Kulbhushan Parashar (A-1) cannot be held solely responsible for the same for the following reasons. Firstly, before the stage of framing of charge itself, the High Court had directed supply of copies of documents to the petitioners in pursuance to Section 207, in respect of which the respondents were either claiming privilege or ready to give only inspection. It is this order of supply of documents, which has been assailed by the CBI before the Apex Court wherein it has been ordered that the trial may continue but no final judgment be passed. No doubt, the word 'judgment' refers to final judgment and, thus, there is apparently no impediment in hearing and deciding the question of framing of charge. But if it is

considered coolly and dispassionately, if today the charges are framed without supply of documents, as ordered by the High Court, then practically, by circumstances, the order of the High Court is made otiose. It is well possible that the accused persons may be able to show to the trial court, on the basis of the said documents, that the framing of the charge is not warranted. The question of framing of charge has arisen only after the order dated 15.5.2009 while as on that date also, the petitioners were in custody for a period well over three years. Therefore, in my view when the trial court record has been summoned by the Supreme Court and the arguments on charge are either not being advanced or inconclusive everything cannot be attributed to the petitioner, Kulbhushan Parashar (A-1), so as to deny him the bail which is the rule and not an exception. Further, the fact remains that the accused have been in custody for the last six years; if at this pace, the trial continues, then it is likely to take another decade or so before the trial comes to an end. I feel in such a situation, the accused, even though charges against him are

very serious, being under Section 3 of the Act, which entails life imprisonment. But an accused cannot be continued in custody for an indefinite period. Accordingly, I feel that notwithstanding the fact that the allegations against the petitioners are under Section 3 of the Act, which are very serious offences especially the one under Section 3 sub-Clause 2, which entails life imprisonment, the petitioners having already been in judicial custody for nearly six years, cannot be denied the benefit of bail.

14. The petitioners have also placed on record a table of cases, under the Act, of the recent past and observed that even in those cases, the accused persons were charged for an offence under Section 3 of the Act and though, they were held guilty but they were not sentenced to more than the period of six years or so for which period, the petitioners have already been in custody. However, I do not consider that the sentencing trend, in the cases of the Act, in the recent past, can be made as the basis for consideration of bail. The

question of punishment or sentence arises only after conviction while as what will be relevant, at this stage, would be what is the sentence the offence carries.

15. The second ground for grant of bail is parity. Admittedly, five accused persons have been sent on trial by the CBI; out of which, three persons except accused V.K. Jha (A-5), who has been charged only for conspiracy for an offence under Section 5 of the Act read with Section 120-B IPC; the other two co-accused persons, namely, Abhishek Verma (A-6) and S.L. Surve (A-3) are facing trial for the offences under Sections 3 as well as Section 5 of the Act read with Section 120-B and 409 IPC. Therefore, so far as the allegations of commission of offence qua these accused persons are concerned, they are at the same level at which the allegations have been made against the present petitioners and in case, they have been granted the benefit of bail, the said bail cannot be denied to the petitioners. I am cognizant of the fact that in the earlier rejection order of bail of the petitioners, this Court has sought

to create a distinction between the case in hand and the case of the persons who have been released on bail on the ground that the present petitioners were responsible for transmission of the secret information while as, the others were not. But this distinction becomes meaningless, once everybody is charged for conspiracy then all of them are responsible for the illegal act although their individual role may be relevant for punishment only/sentence.

16. Further, I find the submissions made by the learned standing counsel for the CBI illogical merely because there is an allegation and a strong suspicion against the present petitioners in communicating or transmitting sensitive information, which is prejudicial to the national security, which is at best only an allegation that cannot be permitted to be the ground for denial of bail to the accused persons after all it remains an allegation only and till the time the accused is proved guilty, he is presumed to be innocent notwithstanding

the fact that there may be statutory presumption against the petitioners.

17. So far as the next consideration of grant of bail is concerned, that is, that the petitioners should submit to the processes of law, in this regard, both the learned standing counsel for the CBI as well as the learned counsel for the petitioners have not expressed any apprehension that the petitioners are going to flee from the processes of law. As a matter of fact, both the petitioners have roots in the society. No doubt, the allegations against the petitioners are very serious in nature, which is of betrayal of the trust reposed in them with regard to national security and confidentiality of the information but, that in itself cannot be a ground for denial of the bail when they are prepared to submit to the processes of law. In any case, so far as the submission to the processes of law is concerned, that can be ensured by putting various conditions against both the petitioners. In this regard, the co-accused persons have also been granted bail on a condition

that they shall surrender their passport. Similar conditions can be put in the case of the present petitioners also. Apart from this, the amount of surety bond and the number of sureties can be increased. Necessary orders in this regard will be passed hereinafter.

18. The other important condition with regard to the grant of bail is that the petitioners shall not tamper with the evidence. Admittedly, in the instance case, most of the evidence is electronic or documentary in nature, which has already been seized by the respondents. Therefore, in my considered opinion, the evidence being already in possession of the CBI, there is hardly any occasion or opportunity to the petitioners to tamper with the said documentary or electronic evidence. So far as the oral evidence is concerned, the petitioners will be restrained from approaching or tampering with the oral evidence and if at all, the petitioners do not adhere to the said restriction, the CBI shall be at liberty to move an appropriate application for cancellation of their bail on credible information

or *prima facie* proof being produced that any attempt is being made to influence the aforesaid trial. The petitioners in that event would be doing so at their own peril.

19. Mr. Dayan Krishnan, during the course of his submissions, has referred to two judgments in order to support his contention of denying the bail to the petitioners. These were ***State vs. Captain Jagjit Singh; 1962 (3) SCR 622*** and ***State vs. Jaspal Singh Gill; 1984 (3) SCC 555***. I have gone through both these judgments. No doubt, bail has been denied in these cases but, the facts of these two cases are totally different from the facts of the present case. In the present case, the accused persons have already been in custody for more than six years and this is certainly not a small period especially, when the charges are yet to be framed.

20. Having regard to the aforesaid facts, I feel that the following considerations have weighed with the court in granting the bail to both the accused persons :-

(i) That both the accused persons have been in custody for the last more than six years, notwithstanding the fact that the allegations against the petitioners are serious in nature inasmuch as it pertains to transmission/communication of confidential and secret information pertaining to the security and sovereignty of the Navy and Air Force by the petitioners, with the allegations of personal gain but that severity of the charge itself will not be the only ground for denial of bail, when the accused persons have been languishing in custody for the last six years, without their being any substantial progress in the trial. Further, the denial of bail does not have to be merely by way of punishment. Till the time the charges against the accused persons are proved, they are presumed to be innocent. This is also notwithstanding the fact that there may be a statutory presumption available against the petitioners.

(ii) So far as Vijendra Rana (A-4) is concerned, the learned standing counsel for the CBI did not make any allegation of delay in the conclusion of trial and, therefore, he was not

averse to release the said accused persons on bail, subject to such conditions which have been put on the other co-accused persons. In addition to this, the learned standing counsel for the CBI had also contended that such restrictions may be put on the accused persons that they should not try to influence the extradition proceedings of accused Ravi Shankaran (A-2), which is under way, or try to produce documents which will unnecessarily create hurdle in his extradition. But so far as the allegations of delay in conclusion of arguments by Kulbhushan Parashar (A-1) is concerned, that ground in itself cannot be solely responsible for denial of bail to even Kulbhushan Parashar (A-1). No doubt, Kulbhushan Parashar (A-1) has been shown not to be fair and sincere in making submissions before the learned trial court in pursuance to the order passed by this court on 15.5.2009 in concluding the arguments on the question of charge by taking adjournments but at the same time, he cannot be solely responsible for the delay in the progress of the trial, the reasons for which have already been given hereinabove.

(iii) There are no allegations that the petitioners will not be submitting to processes of law or that they will flee from the processes of law. Therefore, this cannot be a ground for denial of bail to the petitioners.

(iv) The evidence which is sought to be produced by the CBI against the petitioners is mostly documentary or electronic in nature, which is already in its possession so there is hardly any opportunity or an occasion on the part of the petitioners to tamper with the same. So far as the oral evidence is concerned, with regard to this, a condition can be put on the petitioners that they should not do, directly or indirectly, any act which will create any hurdle in the holding of a fair trial by the court. This condition has already been imposed by the court in the case of other co-accused persons.

21. In the light of the aforesaid reasons, I feel that both the petitioners deserve to be enlarged on bail. Accordingly, I direct the release of the petitioners on bail on each of them furnishing a personal bond in the sum of ₹2 lac with two

sureties each of the like amount to the satisfaction of the trial court and this shall be subject to the following conditions :-

- (i) that the petitioners shall surrender their passports, if not already seized by the CBI. In case, the petitioners do not have the passport, they shall file an affidavit in this regard in the court that they do not have any passport;
- (ii) that they shall not leave the national capital region of Delhi without the permission of the trial court;
- (iii) that they shall not tamper with the evidence or influence the witnesses or create any conditions which may not be conducive to the holding of a fair trial;
- (iv) that they shall attend the court on each and every date of hearing and shall not take any adjournment so as to delay the trial; and
- (v) that they shall not create any hurdle in the extradition of Ravi Shankaran (A-2) or that they shall not communicate with Ravi Shankaran (A-2) either directly or indirectly till the time decision on his extradition proceedings is taken by the British Court.

22. With the aforesaid conditions, both the bail applications are allowed.

23. Expression of any opinion hereinabove may not be treated as an expression on the merits of the case.

24. *Dasti* on payment of usual court fee.

V.K. SHALI, J.

MAY 11, 2012
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