

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39490 of 2022

Arising Out of PS. Case No.-15 Year-2017 Thana- C.B.I CASE District- Patna

HARE KRISHNA ADAK Son of late Abinash Chandra Adak Resident of village- Jatimati, P.O- New Township Digha, P.s.- Digha, Distt- Purb Medinipur, West Bengal- 711301

... .. Petitioner/s

Versus

The Central Bureau of Investigation (C.B.I), New Delhi bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh,Advocate

For the Opposite Party/s : None.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-09-2022

No one appears on behalf of CBI.

Heard learned counsel for the petitioner through the video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is an accused in connection with RC 15/A/2017, giving rise to Spl. Case No. 13 of 2020 arising out of Kotwali (Adampur) P.S. Case No. 508 of 2017 under Sections 120(B)/34, 409,420,467, 468 and 471 of the Indian Penal Code and Section 13(2) r/w 13(1)(c) & 13(1)(d) of the Prevention Of Corruption Act, 1988.

Learned counsel for the petitioner submits that the FIR was lodged on 25.08.2017. The petitioner is the Assistant



Branch Manager of Indian Bank, Bhagalpur and his name was there as an accused whereafter, he was summoned by the Investigating Agency and he all along co-operated in the matter which he has incorporated in Paragraph 12 of the bail application. It is his further submission that twice he appeared before the Bhagalpur Camp Office, four times before the CBI Office, Delhi and around three to four times before the CBI, Patna office. Accordingly, charge sheet was submitted on 16.06.2020, in which he has also been made accused.

However, all of a sudden on 04.03.2022, he was taken into custody in a different stage and case from where was remanded in this case on 25.03.2022. He further submits that in view of the fact that he co-operated all along the investigation, charge sheet stands submitted, he has remained in custody since March, 2022 keeping in jail for long when there is no sight of trial will be harsh for a man who wanted to have a relaxed retired life being 68 years of age.

As stated above, no one appeared on behalf of the C.B.I.

The Apex Court in **Siddharth Vs. State of U.P (2021 SCC online SC615)** dealing with grant of anticipatory bail has clarified through different paragraphs the circumstance in which



bail should be granted to the accused person.

The Apex Court held in one of the para as follows:-

We may note that personal liberty is an important aspect of our constitutional mandate. The occasion to arrest an accused during investigation arises when custodial investigation becomes necessary or it is a heinous crime or where there is a possibility of influencing the witnesses or accused may abscond. Merely because an arrest can be made because it is a lawful does not mandate that arrest must be made. A distinction must be made between the existence of the power to arrest and the justification for exercise of it. If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a persons. If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation we fail to appreciate why there should be a compulsion on the officer to arrest the accused.



Taking into account all the aforesaid facts including the fact that the petitioner after being implicated as an accused in the case Srijan Case co-operated during the investigation, charge sheet has already been submitted on 16.06.2020, he has been remanded in this case since 25.03.2022, this Court is inclined to grant him privilege of bail with conditions so that he is present all along the trial.

Let the petitioner be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty Thousand) with two sureties of like amount each to the satisfaction of Special Judge C.B.I.-II, Patna in connection with Spl. Case No. 13 of 2020, subject to the following conditions:-

(i) both the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(v) the petitioner shall surrender his passport, if any, to the Trial Court.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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