

27.06.2023
(D/L 188)
Ct. No.29
Allowed
(SKB)

CRM (A) 1760 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with CBI Case No.RC-53/S/2014 dated 27th September, 2014 corresponding to G.R. No.879 of 2014 under Sections 420/409/120B/34 of the IPC read with Sections 13(2)/13(1)(d) of the Prevention of Corruption Act, 1988.

In the matter of : Rajesh Pratap Singh

... Petitioner

Mr. Sourav Chatterjee,
Mr. Sanjoy Bose,
Mr. Shibaji Kumar Das

... for the petitioner

Mr. Amajit De, Special P.P.

... for the CBI

1. Heard the learned Counsel for the parties.
2. Learned counsel for the CBI submits that quantity involved in the case is enormous.
3. If the court is shocked by the enormity of the amount, then it becomes difficult on the part of the court to do justice between the parties. Therefore, we want to make it clear that be it one rupee or one thousand crore, the case before us is same and we are not anxious about the amount involved.
4. In the present case, it is fairly submitted at the Bar that in the 1st and 2nd charge sheet the name of the petitioner was not there. In the 3rd supplementary charge sheet the name of the petitioner is stated to have appeared. It is

also fairly submitted that in course of investigation, the petitioner had co-operated fully till filing of charge sheet.

5. Now summons have been issued for appearance of the petitioner by the court. The petitioner apprehends arrest as sometimes it is agitated before the trial court that the petitioner should be sent to custody for enormity of the alleged corruption.
6. According to the scheme of the Cr.P.C., a person appearing before the court in obedience to a summon should not be arrested unless there is material to justify arrest of the petitioner which are not beyond record during investigation.
7. Regard being had to such facts and submissions, factum of permanent residence of the petitioner and decision of Hon'ble Supreme Court in the case of *Mahdoom Bava Vs. Central Bureau of Investigation* reported in 2023 SCC OnLine SC 299, it is directed that the petitioner shall appear before the competent court in connection with CBI Case No.RC-53/S/2014 dated 27.09.2014 on the next date fixed and he shall be released on his appearance and application for bail, if question of bail arises only. This order shall be effective till the next date fixed by the trial court.
8. Accordingly, the prayer for the anticipatory bail is allowed.

9. The application being CRM(A) 1760 of 2023 is disposed of.
10. The concerned court is hereby directed to act upon the server copy of this order.
11. The affidavit in opposition filed by the CBI is taken on record.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)