

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.12 OF 2023**

Sant Lal Aggarwal  
VS.

..Applicant

Serious Fraud Investigation  
Office and anr.

..Respondents

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Mr. Vikram Choudhary, Senior Advocate a/w Mr. Aditya  
Mithe, Mr. Sachin R. Agawane, for the Applicant.  
Mr. H.S. Venegaonkar a/w Mr. Aayush Kedia and Mr. Mayank  
Joshi i/b Mr. Pradeep Yadav, for Respondent No. 1.  
Mr. S. V. Gavand, APP for the State – Respondent No.2.  
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**CORAM : M. S. KARNIK, J.**

**DATE : JANUARY 18, 2023**

**P.C. :**

**1.** Heard learned Senior Advocate Shri Choudhary for the  
applicant and learned counsel Shri Venegaonkar for the  
respondent no. 1- Serious Fraud Investigation Office.

**2.** The applicant had filed an application for bail before  
the Special Court constituted under the Companies Act,  
2013 ("the Act", for short) as the allegation is that the  
applicant has committed offence punishable under section

447 of the Act. Though the application for bail was filed on 01/10/2022 before the Sessions Court on merits, the applicant then had confined his arguments to seek his release on bail on medical grounds only. The Sessions Court therefore did not have an occasion to consider the merits of the matter. The Sessions Court rejected the application for bail on medical grounds.

**3.** Learned Senior Advocate submitted that the applicant wants to press the application for bail on merits before the Sessions Court and requests that the Special Court considers the matter on merits as well.

**4.** Shri Venegaonkar submitted that the applicant must file a fresh application for bail as earlier bail application has been disposed of on consideration of medical ground as requested on behalf of the applicant himself.

**5.** Considering that the personal liberty of the applicant is involved, and as the bail application though filed by the applicant was on merits which was eventually pressed on medical grounds, however, in the interest of justice, instead of directing the applicant to file a fresh bail application on

merits, the bail application before the Sessions Court could be revived with a direction that the same be heard on merits as well. It is contended on behalf of the applicant that before the Sessions Court the application will be pressed by the applicant on merits.

**6.** It is made clear that sub-clause (6) of section 212 of the Act can obviously be taken into consideration by the Sessions Court while considering the matter on merits.

**7.** It is further made clear that the order passed by the Sessions Court refusing the bail on medical grounds does not call for any interference. The application for bail which stands revived will be considered on merits also in view of what is provided in first proviso to sub-section (6) of section 212 of the Act. With this liberty, the application is disposed of.

**8.** I feel technicality should not come in the way of justice and this course is adopted by me as the pleadings were complete before the Sessions Court. No doubt a pursis was filed by the applicant, but as this is a question of personal liberty, and as no prejudice is caused to the

respondents, the Sessions Court may now consider the matter on merits.

**(M. S. KARNIK, J.)**