

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

BAIL APPLICATION NO. 3281 OF 2022

Sanjeev Suryakant Palande
VS.

..Applicant

1. Central Bureau of Investigation

2. State of Maharashtra

..Respondents

Mr. Shekhar Jagtap a/w Sairuchita Chowdhary and Rhea Francis, for the Applicant.

Mr. S. H. Yadav, APP for the State.

Mr. Ashish Chavan a/w Zishan Quazi and Manoj Borkar, for CBI- Respondent.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 25, 2023

P.C. :

1. Heard learned counsel for the applicant, learned counsel appearing for CBI and learned APP.

2. This is an application for bail in respect of RC 2232021A0003/CBI/AC-V/New Delhi registered by the respondent No.1-Central Bureau of Investigation (hereafter 'the CBI' for short) for the offences under Section 7 of the Prevention of the Corruption Act, 1988 and under Section 120B of the Indian Penal Code, 1860 (hereafter 'the IPC' for

Digitally
signed by
URMILA
PRAMOD
INGALE
Date:
2023.01.25
21:30:33
+0530

URMILA
PRAMOD
INGALE

short).

3. The FIR was lodged by CBI on 21/04/2021. The provisions of the Prevention of Money-Laundering Act, 2002 (hereafter 'PMLA' for short) came to be invoked. The applicant came to be arrested in PMLA case on 25/06/2021. While in custody, the applicant was arrested by CBI on 04/04/2022. Effectively, the applicant is in custody in respect of offence under PMLA as well as CBI for more than 1 year and 7 months. It is pertinent to note that the applicant had filed a Bail Application No. 4449 of 2021 in this Court in the PMLA case. By an order dated 20/12/2022, the applicant has been released after getting over the twin conditions specified for bail.

4. Learned counsel for the applicant invited my attention to the order dated 12/12/2022 passed by this Court in Bail Application No. 2927 of 2022 in the case of Anil Vasant Rao Deshmukh Vs. CBI and anr. The prime accused is accused no.1 (Anil Vasant Rao Deshmukh). The applicant at the relevant time was working as a private secretary appointed by the Government of Maharashtra to the accused no.1 who

then was the Home Minister of the State of Maharashtra.

5. Learned counsel for the CBI made a valiant attempt to oppose the present application for bail. It is submitted that the factors for invocation of the offence under PMLA differ from those in the present case investigated by CBI. Learned counsel submitted that though factually there may be some overlapping of the materials, but the case filed by CBI will have to be tested from a different angle altogether than the one under PMLA. It is submitted that merely because the applicant has been released on bail in PMLA case is not a ground to release the applicant on bail in CBI case. It is moreover submitted that the charge-sheet which has been filed in the CBI case would demonstrate that offence alleged against the applicant is of a serious nature. Having regard to the gravity of the offence, learned counsel submitted that the application should be rejected.

6. It is not necessary for me to burden the present order with the detailed facts. Suffice it to observe that the accused no.1 is the prime accused. The role of the applicant is not more than the accused No.1. The applicant was a

private secretary of the accused No.1. It cannot be lost sight of the fact that in the PMLA case, the applicant has been released on bail by this Court by order dated 20/12/2022 after satisfying the twin conditions of Section 45 of PMLA.

7. It is also material to note that so far as accused no.1 is concerned, for the reasons mentioned in the order dated 12/12/2022, this Court has released the accused no.1 on bail. I am informed that SLP filed against the said order passed by this Court has been dismissed. For the reasons as set out in the order dated 12/12/2022 in respect of the co-accused no. 1 passed by this Court in Bail Application No.2927 of 2022, even the present applicant can be released on bail. The maximum sentence for the offence alleged against the applicant is 7 years. The applicant is already in custody for more than 1 year and 7 months. The charge-sheet has been filed. Hence, the following order.

: ORDER :

(a) The applicant- Sanjeev Suryakant Palande be released on bail in connection with RC 2232021A0003/

CBI/AC-V/New Delhi registered by the respondent No.1-Central Bureau of Investigation, on furnishing P.R. Bond in the sum of Rs.1,00,000/- with one or more sureties in the like amount.

(b) The applicant shall report to the office of the CBI on every Tuesday, between 10.00 a.m. to 12.00 noon for a period of one month from the date of his release and thereafter, the applicant shall report to the office of the CBI on every alternate Tuesday, between 10.00 a.m. and 12.00 noon, for the next three months.

(c) The applicant shall remain within the area of Greater Mumbai till the trial is concluded and shall not leave the area without permission of the competent Court.

(d) The applicant shall surrender his passport to the trial Court, if not already surrendered.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) The applicant shall co-operate with the expeditious disposal of the trial.

(g) On being released on bail, the applicant shall furnish his contact number and residential address to the office of the CBI and shall keep them updated, in

case there is any change.

(h) Suffice it to observe that the observations made are for the limited purpose of considering the question of bail and shall not influence the trial Court while considering the matter on merits.

8. The application is disposed of.

(M. S. KARNIK, J.)