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

+ **BAIL APPLN. 4323/2024**

NIJIL JOBI BENSAM

.....Petitioner

Through: **Mr. V. Ramasubramanian, Advocate.**

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: **Mr. Atul Guleria, SPP CBI with Mr.
Aryan Rakesh, Adv for CBI**

+ **BAIL APPLN. 4523/2024**

YESUDAS JUNIOR @ PRIYAN

.....Petitioner

Through: **Mr. Deepak Prakash, Mr. Vishnu
Priya, Mr. Rahul Suresh, Advocates.**

versus

CBI

.....Respondent

Through: **Mr. Atul Guleria, SPP CBI with Mr.
Aryan Rakesh, Adv for CBI**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

20.12.2024

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1. These petitions have been filed seeking bail in FIR No. RC-048/2024/S0005 dated 6th March, 2024 under Sections 120B/370/420 IPC registered at PS CBI.
2. Petitioners were arrested on 7th May 2024 and have been in custody



for about seven months now. Petitioners have no previous involvement and their jail conduct has been satisfactory.

3. The case of the prosecution is based upon a complaint registered by the CBI against 19 accused and several unknown people who are alleged to have committed offences on human trafficking of Indian nationals to Russia for better and high paying jobs.

4. The petitioners were initially not named in the FIR. They are residents of Kerala and were summoned to appear before the CBI Office in Trivandrum in the month of March/April 2024. Thereafter, they appeared at the CBI Office and shared their details as well.

5. Petitioner Nijil Jobi Bensam, was arrayed as accused No.7 and petitioner Yesudas Junior @ Priyan, was arrayed as accused No.9, on the allegation that they were joined together with various accused, to make a false promise to secure high paying jobs in Russia and when they reached Russia, they were engaged in Combat Force in the Russia-Ukraine War Zone.

6. The investigation is complete. The CBI has already filed the charge-sheet. Charges are yet to be framed. Since the number of witnesses are about 53, the trial is expected to take time.

7. Counsel for the CBI objects to the bail, on the basis that since the other co-accused are absconding, the petitioners may interfere with the investigation.

8. However, in the opinion of this Court, the petitioners' custody cannot be extended endlessly, till the other co-accused are absconding.

9. Counsel for CBI, states on instructions, that the petitioners had joined the investigation in the CBI Office and were not needed in any process.



10. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioners behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioners.

11. Similarly placed co-accused, Arun N.P., was granted bail by this Court on 28th October, 2024 in Bail Application No. 3512/2024. The petitioners also seek bail on parity as they are similarly placed.

12. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioners behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioners. Consequently, the petitioners are directed to be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- each with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioners will not leave the country without prior permission of the Court.
- ii. Petitioners shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioners shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioners shall join investigation as and when called by the IO concerned.
- v. Petitioners shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to



the IO concerned.

vi. Petitioners shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

13. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

14. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

15. Accordingly, the petitions are disposed of. Pending applications (if any) are disposed of as infructuous.

16. Order *dasti*.

17. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 20, 2024/ak/na