VISHAKHA BEHARAY Digitally signed by VISHAKHA BEHARAY



CGHC010336692026 2026:CGHC:46852

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 8187 of 2026**

**Order Reserved on 30.10.2026**

**Order Delivered on 05.11.2026**

**1 -** Arun Pati Tripathi S/o Shri Prakash Pati Tripathi, Aged About 58 Years R/o Quarter No 1-A, Street Sector- 09, Bhilai District Durg Chhattisgarh, ----Presently Under Judicial Custody At Central Jail Raipur

**... Applicant**

**versus**

**1 -** State Of Chhattisgarh Through- The Investigating Officer, Economic Offence, Wing / Anti Corruption Bureau Raipur Chhattisgarh.

**...Non-applicant**

**(Cause-title is taken from Case Information System)**

| | | |
|---|---|---|
| **For Applicant** | **:** | Mr. Rajeev Shrivastava, Senior Advocate along with Mr. Gagan Tiwari, Advocate |
| **For State** | **:** | Mr. Praveen Das, Addl. A.G. |

**(Hon'ble Shri Amitendra Kishore Prasad, Judge)**

**C.A.V. Order**

1. The Applicant has preferred the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in connection with FIR No. 44/2024 dated 05.10.2024, registered at Police Station Economic Offences Wing (EOW)/Anti-Corruption Bureau (ACB), Raipur, District Raipur (C.G.), for the offences punishable under Sections 467, 468, 471 and 120-B of the Indian Penal Code, 1860, and Sections 7(b) and 8 of the Prevention of Corruption Act, 1988.

2. The Applicant was arrested on 17.07.2025 and is presently in judicial custody at Central Jail, Raipur.

3. The present case, as per the prosecution, originates from the information shared by the Directorate of Enforcement with the State Economic Offences Investigation and Anti-Corruption Bureau, Raipur, under Section 66(2) of the Prevention of Money Laundering Act, 2002, regarding alleged irregularities, financial misappropriation and corruption in the affairs of Chhattisgarh State Marketing Corporation Limited (hereinafter referred to as “CSMCL”). The prosecution alleges that during the period from 2019 to 2023, certain manpower supply

agencies engaged by CSMCL for providing manpower at liquor retail outlets across the State of Chhattisgarh received inflated and excess payments through a mechanism allegedly devised and operated by certain officials of CSMCL in collusion with the representatives of the concerned agencies.

4. According to the prosecution, various manpower supply agencies, including A2Z Infrasevices Limited, M/s Eagle Hunter Solutions Limited, M/s Alert Commando Security Services, M/s Summet Facilities and other agencies, were entrusted with the work of supplying manpower for the operation and management of liquor shops functioning under CSMCL. The said agencies were required to provide personnel, including salesmen, supervisors and helpers, at different retail liquor outlets across the State. It is alleged that, instead of restricting their claims to the actual wages and statutory benefits payable to the deployed employees, the agencies raised additional claims towards wages, bonus, overtime, service charges and four additional working days, resulting in alleged excess payments from CSMCL. The prosecution further alleges that the excess amounts received by the manpower supply agencies were not actually disbursed to the employees concerned and were diverted for purposes other than those for which the payments had been

sanctioned. According to the prosecution, the said amounts were withdrawn in cash and distributed amongst various persons allegedly associated with the arrangement, thereby causing wrongful loss to the State exchequer and corresponding wrongful gain to the persons involved. The prosecution seeks to establish the alleged arrangement on the basis of documentary records, financial transactions, statements of witnesses and other materials collected during the course of investigation.

5. So far as the role attributed to the present Applicant, namely Arun Pati Tripathi, is concerned, the prosecution alleges that during the relevant period he was serving as the Managing Director of CSMCL and was instrumental in introducing and facilitating the aforesaid mechanism of additional payments to the manpower supply agencies. It is alleged that at the time of the manpower tender process in the year 2019, the Applicant participated in the planning of the said arrangement and facilitated the inclusion and processing of claims towards overtime, bonus and four additional working days, despite the alleged non-payment of corresponding amounts to the employees actually deployed at the liquor outlets. The prosecution, principally relying upon the statements of certain officials of CSMCL and the representatives/directors of the

manpower supply agencies, further alleges that the Applicant instructed the concerned officials not to record objections in the official files regarding the actual payment of overtime to the employees and facilitated expeditious processing and clearance of bills submitted by the manpower supply agencies. On the basis of these allegations, the prosecution seeks to attribute to the Applicant a role in enabling the agencies to receive substantial additional amounts from CSMCL. It is further alleged by the prosecution that a portion of the additional amounts received by the manpower supply agencies was withdrawn in cash and routed through certain persons nominated by the alleged syndicate, ultimately reaching the Applicant and thereafter Anwar Dhebar. The prosecution has sought to rely upon the statements of witnesses and the alleged flow of funds to establish the Applicant's involvement in the larger conspiracy. The Applicant disputes the allegations and the inferences sought to be drawn against him from the material collected during the investigation.

6. The charge-sheet also seeks to connect the aforesaid manpower-payment mechanism with the larger Part-B liquor arrangement. However, the charge-sheet attributes the subsequent continuation of the alleged commission

mechanism after the Applicant's arrest, the alleged enhancement of commission from 25% to 33%, and the specific incident involving an amount of ₹28.80 lakh dated 29.11.2023, to Naveen Pratap Singh Tomar and the subsequent period. Thus, the allegations relating to the subsequent continuation and enhancement of the alleged commission mechanism are attributed to the subsequent period and not to the Applicant in the manner alleged in respect of the earlier period. Upon completion of the investigation, the prosecution filed the main charge-sheet alleging commission of offences under Sections 467, 468, 471 and 120-B of the Indian Penal Code, 1860, and Sections 7(b) and 8 of the Prevention of Corruption Act, 1988, as amended. The main charge-sheet cites a total of 65 witnesses. However, the charge-sheet qua the present Applicant has not yet been filed. No prosecution witness has been examined so far. The prosecution has relied upon statements of witnesses, official records, financial documents and other materials collected during the investigation in support of its allegations against the Applicant and other accused persons.

7. The Applicant was arrested by the Economic Offences Wing/Anti-Corruption Bureau, Raipur, Chhattisgarh, on

17.07.2025 in connection with the aforesaid FIR and has remained in judicial custody since then. Thereafter, the Applicant preferred an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, before the learned Special Court (Prevention of Corruption Act), Raipur, which came to be rejected vide order dated 03.08.2026. Hence, the Applicant is constrained to approach this Hon'ble Court by way of the present application seeking grant of regular bail.

8. Learned counsel appearing for the applicant submits that the present bail application has been preferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of regular bail in connection with Crime No. 44/2024 registered by the EOW/ACB, Chhattisgarh, for the offences punishable under Sections 467, 468, 471 and 120-B of the IPC and Sections 7(b) and 8 of the Prevention of Corruption Act, 1988. It is contended that the applicant was arrested on 17.07.2025 and has remained in custody since then. The investigation has already been completed and the charge-sheet has been filed before the competent Court, wherein 106 witnesses have been cited along with voluminous documents. Therefore, the trial is not likely to conclude in the near future and continued incarceration of the applicant would amount to

an infringement of his fundamental right to personal liberty and speedy trial guaranteed under Article 21 of the Constitution of India. In support of his contention, learned counsel places reliance upon the judgments of the Supreme Court in ***Manish Sisodia v. Directorate of Enforcement, (2024) 12 SCC 660*** and ***Sanjay Chandra v. CBI, (2012) 1 SCC 40***. Learned counsel further submits that the allegations levelled against the applicant in the present crime substantially overlap with those forming the subject matter of Crime No. 4/2024, in which the applicant has already undergone approximately ten months of incarceration and has subsequently been enlarged on bail by the Supreme Court. It is contended that both the FIRs arise out of the same underlying allegations, transactions and alleged criminal conspiracy and that registration of a subsequent FIR in respect of the same occurrence and transaction, without any distinct or independent cause of action, is impermissible in law. In this regard, reliance is placed upon ***Babubhai v. State of Gujarat, (2010) 12 SCC 254***. It is further submitted that the applicant was not named in the FIR in the present crime and that the alleged incident dated 29.11.2023, which forms the basis of the present prosecution, occurred when the applicant was already in judicial custody in connection with Crime No.

4/2024. No recovery or seizure has been made from the applicant and the prosecution case is primarily based upon the statements of co-accused persons, without any independent incriminating material establishing his involvement in the alleged offences.

9. Learned counsel also submits that the investigating agency has adopted a pick-and-choose approach by treating Shri Siddharth Singhania, who allegedly played a significant role in the transactions, merely as a witness, while implicating the applicant as an accused. It is further contended that other persons who subsequently held the charge of Managing Director of CSMCL, despite the continuation of the policy relating to overtime payments during their respective tenures, have not been arrayed as accused and have instead been cited as witnesses. It is also contended that the applicant was functioning as Managing Director of Chhattisgarh State Marketing Corporation Limited (CSMCL) during the period from 09.05.2019 to 16.04.2023 and that the prosecution was required to examine the applicability of the statutory requirement of prior approval under Section 17A of the Prevention of Corruption Act, 1988, before proceeding against him in respect of the alleged acts arising out of discharge of his official functions.

10. Learned counsel further submits that the bills raised by the manpower agencies were certified by the respective District Managers of CSMCL and were thereafter scrutinised and approved by the Accounts Branch before release of payment. The aforesaid procedure has also been stated by the concerned witnesses, namely, Shri Rakesh Kumar Mandawali, Shri Jan Prasad Pathak and Shri Mahadev Kawar. It is, therefore, contended that no specific role has been attributed to the applicant in the certification or approval of the bills. The statement of Shri Mahmood Ahmed is also stated to be hearsay in nature and insufficient, by itself, to establish the applicant's involvement. It is further argued that no prima facie case is made out against the applicant for the alleged offences, as there is no specific material demonstrating that he forged any document, knowingly used any forged document as genuine, or entered into a criminal conspiracy with the other accused persons. Mere holding of the post of Managing Director or association with the other accused persons cannot be sufficient to establish his criminal liability.

11. Learned counsel also submits that the applicant has been implicated after an unexplained delay, although the FIR was registered on 05.10.2024 and he was not named therein. His

subsequent implication and arrest, according to learned counsel, are arbitrary and unnecessary. Reliance is placed upon ***Joginder Kumar v. State of Uttar Pradesh, (1994) 4 SCC 260***.

12. Lastly, learned counsel submits that the applicant is entitled to grant of bail on the ground of parity, as several co-accused persons have already been enlarged on regular bail by this Court as well as by the Supreme Court, including persons alleged to have played significant roles in the commission of the offences. It is further submitted that the applicant has already been granted bail in Crime No. 4/2024, has deep roots in society, is not likely to abscond, and there is no allegation that he has attempted to influence witnesses or tamper with evidence. The investigation having been concluded, the applicant satisfies the triple test for grant of bail. Reliance is placed upon ***P. Chidambaram v. CBI, (2020) 13 SCC 337***. On the aforesaid grounds, learned counsel prays that the applicant be enlarged on regular bail. To advance the argument, reliance has been placed on various judgments :- ***Sanjay Chandra v. CBI (2012) 1 SCC 40, Manish Sisodiya v. Directorate of Enforcement (2024) 12 SCC 660, Babubhai v. State of Gujarat and Others (2010) 12 SCC 254.***

13. Learned State counsel, opposing the prayer for grant of regular bail, submits that the applicant has preferred the instant first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking his release on regular bail in connection with FIR No. 44/2024 dated 05.10.2024, registered by EOW/ACB, Chhattisgarh, for the offences punishable under Sections 467, 468, 471 and 120-B of the Indian Penal Code, 1860 and Sections 7(b) and 8 of the Prevention of Corruption Act, 1988. It is contended that the allegations against the applicant are serious in nature and relate to an organised mechanism allegedly operating within the Chhattisgarh State Marketing Corporation Limited (CSMCL) for preparation and processing of inflated manpower bills towards overtime allowance, bonus and four additional working days, resulting in excess payments to various manpower supply agencies and subsequent collection of illegal gratification. The applicant, while functioning as Managing Director of CSMCL during the period from 09.05.2019 to 16.04.2023, allegedly played an important role in devising and facilitating the aforesaid mechanism and in the collection and routing of illegal gratification through various intermediaries for onward transmission to co-accused Anwar Dhebar and other members of the alleged syndicate.

14. Learned State counsel further submits that during the course of investigation, statements and memorandum statements of several persons, including the applicant and various co-accused persons, have been recorded, which prima facie disclose the role attributed to the applicant in the alleged illegal mechanism. It is contended that Shri N. Uday Rao, in his memorandum statement, has stated that the applicant convened a meeting of all manpower supply agencies and compelled them to raise bills towards overtime payments, despite the fact that such amounts were not actually payable to the employees. He has further stated that the commission generated through such bills was collected through the applicant and forwarded to co-accused Anwar Dhebar. Similarly, co-accused Shri Naveen Pratap Singh Tomar has stated that the procedure for collection of funds from manpower agencies was designed and instructed by the applicant during his tenure as Managing Director of CSMCL. Co-accused Shri Sanjeev Jain, Director of M/s Prime One Work Force Private Limited, has also stated that the applicant used to direct payment of amounts generated in the name of overtime allowance to Siddharth Singhania.

15. It is further submitted that co-accused Shri Neeraj Kumar Choudhary, in his memorandum statement, has alleged that

the applicant compelled various manpower supply agencies to pay substantial amounts in the name of overtime and bonus and that the commission so collected was routed through Siddharth Singhania to co-accused Anwar Dhebar. Shri Shrijish Pillai, an employee of CSMCL, has stated that the applicant, while functioning as Managing Director, had directed that the overtime payment bills should not be verified and that the employees concerned were restrained from examining the actual accounts of overtime payments. He has further stated that after the arrest of the applicant in 2023, co-accused Naveen Pratap Singh Tomar continued collecting illegal gratification and commission. Similarly, Shri Ashish Kosam, another employee of CSMCL, has attributed an active role to the applicant in orchestrating the alleged manpower scam and has stated that the functions earlier performed at the instance of the applicant were subsequently taken over by co-accused Naveen Pratap Singh Tomar.

16. Learned State counsel further submits that the statements of co-accused Shri Amit Mittal and Shri Ajay Lohia, who were directors of A-Z Infra Service Limited and Eagle Hunter Solution Limited, respectively, also indicate that the applicant convened meetings of the manpower supply agencies and directed them to generate bills towards overtime payments,

from which the commission amounts were allegedly collected and forwarded to co-accused Anwar Dhebar. The statement of Shri Rajendra Singh, who was working as an accountant in CSMCL, is also stated to contain similar allegations regarding the applicant's direct involvement in the alleged transactions. Apart from the aforesaid statements, the prosecution also relies upon the statements of Shri Ambika Prasad and Shri Sanjeev Jain, which indicate that in October 2019, the applicant and other persons devised an arrangement whereby overtime for work beyond eight hours was reflected in the records without corresponding payment being made to the employees. It is further alleged that pursuant to a meeting convened by the applicant in 2019, the system of raising bills for three additional hours of work was introduced. It is also contended that the statements of Shri Amit Prabhakar Salunkhe, Shri Ajit Darandale and Shri Rajiv Dwivedi disclose the alleged routing of commission amounts generated through inflated overtime, bonus and additional-day payments to the applicant and thereafter to co-accused Anwar Dhebar. The investigation has allegedly revealed a systematic flow of funds from CSMCL to various manpower supply agencies, followed by withdrawal of excess amounts in cash and transmission thereof through local representatives,

employees and intermediaries to the concerned accused persons. Learned State counsel further submits that an amount of Rs.28.80 lakh was seized on 29.11.2023 from other co-accused persons, which, according to the prosecution, represented illegal gratification paid by one of the manpower supply agencies and was being transported for onward payment to co-accused Anwar Dhebar.

17. Learned State counsel further submits that the investigation has revealed that, out of the total additional payments of approximately Rs.182.98 crore made by CSMCL to various manpower supply agencies, an amount of approximately Rs.152.41 crore was paid during the tenure of the present applicant as Managing Director. The aforesaid payments were made under different heads, including overtime allowance, bonus, payment for four additional days and service charges, which, according to the prosecution, demonstrate the magnitude and extent of the alleged financial irregularities during the applicant's tenure. It is further contended that this Court has already considered the role of senior officers of CSMCL and the alleged mechanism of collection of illegal gratification while rejecting the bail application of co-accused Shri Naveen Pratap Singh Tomar, who was functioning as Deputy General Manager of CSMCL, vide order passed in

M.Cr.C. No. 5010 of 2026. Learned State counsel submits that in paragraphs 14 to 17 and 20 to 26 of the said order, this Court has considered the alleged active participation of senior officers in the commission of the offence. Reliance is also placed upon the order passed in the bail application of co-accused Anwar Dhebar in M.Cr.C. No. 2321 of 2026, wherein the alleged systematic mechanism of extortion through manpower agencies and the involvement of senior officers of CSMCL have been considered.

18. Learned State counsel also submits that the applicant is involved in other criminal proceedings, including Crime No. 04/2024 registered by EOW/ACB, Raipur, ECIR/RPZO/04/2024 registered by the Directorate of Enforcement and FIR No. 196/2023 registered at Police Station Kasna, District Gautam Buddha Nagar, Uttar Pradesh. It is contended that the criminal antecedents of the applicant are also relevant while considering his prayer for grant of regular bail. Lastly, learned State counsel submits that, having regard to the nature and gravity of the allegations, the specific role attributed to the applicant, the magnitude of the alleged financial irregularities and the material collected during investigation, the applicant does not deserve to be enlarged on bail at this stage. It is further apprehended that,

considering the position previously held by the applicant and his alleged influence over persons acquainted with the facts of the case, his release may result in influencing witnesses or interfering with the prosecution evidence. On the aforesaid grounds, learned State counsel prays for rejection of the bail application.

19. I have heard learned counsel appearing for the parties and perused the material available on record.

20. Having considered the submissions advanced on behalf of the parties, the nature of the allegations, the role attributed to the applicant and the material collected during investigation, this Court is of the considered opinion that the prayer for grant of regular bail deserves consideration.

21. The allegations against the applicant primarily relate to his alleged involvement in a larger criminal conspiracy concerning the processing of additional payments to manpower supply agencies engaged by the Chhattisgarh State Marketing Corporation Limited (CSMCL) and the alleged collection and distribution of illegal gratification arising therefrom. The prosecution has sought to establish the applicant's involvement principally on the basis of statements of witnesses and co-accused persons, official records and the alleged flow of funds through various intermediaries.

22. At this stage, it is pertinent to note that the applicant has been implicated in the alleged conspiracy on the basis of the material collected during investigation. Although the prosecution has attributed a specific role to the applicant in devising and facilitating the alleged mechanism for making additional payments to the manpower supply agencies, the question as to whether the applicant was actually involved in the alleged conspiracy and whether the statements relied upon by the prosecution are sufficient to establish his criminal culpability would require appreciation of the evidence during trial. Nevertheless, the gravity of the allegations, by itself, cannot be the sole consideration for denying bail, particularly when the prosecution evidence is yet to be tested in accordance with law.

23. It is also relevant to consider that the applicant was functioning as Managing Director of CSMCL during the period from 09.05.2019 to 16.04.2023, whereas the specific incident concerning the seizure of an amount of ₹28.80 lakh from the co-accused persons took place on 29.11.2023, after the applicant had ceased to hold the said office. The prosecution alleges that the seized amount formed part of the larger commission mechanism and was intended for onward transmission to other accused persons. However, the extent

to which the said incident establishes the applicant's involvement in the alleged conspiracy, particularly in the absence of his direct apprehension in connection with the said recovery, is a matter that would require consideration of the evidence during trial. The said circumstance, therefore, cannot be treated as conclusive against the applicant at this stage.

24. Further, the prosecution has relied upon statements of several witnesses and co-accused persons to attribute a role to the applicant in the alleged arrangement. The evidentiary value of such statements, their consistency with the documentary material and the alleged financial transactions, and the extent to which they establish the applicant's individual role in the commission of the offences are matters for consideration during trial. This Court is conscious that the allegations relate to an alleged organised mechanism involving substantial public funds and that the applicant is alleged to have occupied a position of responsibility in the concerned corporation. However, the applicant's entitlement to bail must be assessed on the basis of the totality of the circumstances and not merely on the basis of the seriousness of the accusations.

25. Another significant aspect requiring consideration is that the applicant was arrested on 17.07.2025 and has remained in judicial custody since then. The prosecution has relied upon voluminous documentary material and cited a substantial number of witnesses. Although the main charge-sheet has been filed, the charge-sheet qua the present applicant is stated to be yet to be filed, and no prosecution witness has been examined so far. Having regard to the nature of the allegations, the number of accused persons involved and the volume of evidence to be considered, the trial is likely to take considerable time. In these circumstances, the continued detention of the applicant for an indefinite period, without commencement of the evidentiary stage of the trial, assumes significance while considering his prayer for regular bail.

26. It is well settled that the object of bail is neither punitive nor preventive, and that an accused is not required to undergo incarceration for an indefinite period merely because the allegations against him are serious. The right to a speedy trial forms an integral part of Article 21 of the Constitution of India. At the same time, the nature and gravity of the accusation, the specific role attributed to the accused, the possibility of influencing witnesses or tampering with evidence, and the likelihood of the accused fleeing from justice are relevant

considerations. In the present case, the apprehension expressed by the prosecution regarding the possibility of the applicant influencing witnesses or interfering with the trial can be addressed by imposing appropriate and stringent conditions while enlarging him on bail.

27. So far as the submission regarding parity with the co-accused persons is concerned, the grant of bail to other accused persons cannot, by itself, confer an automatic right upon the applicant to seek the same relief. Each bail application is required to be considered on its own facts, having regard to the role attributed to the concerned accused and the material available against him. It is also relevant to note that the amount intercepted and seized from the persons concerned was allegedly intended to be handed over to co-accused Naveen Pratap Singh Tomar, the then Managing Director of the Corporation. Further, at the initial stage, no specific allegation appears to have been made against the present applicant in connection with the said amount. Nevertheless, the orders granting bail to the co-accused persons, to the extent that their roles and the material relied upon against them are comparable, may constitute a relevant circumstance for consideration. The applicant's prayer,

therefore, requires independent consideration on the basis of the material available against him.

28. The Hon'ble Supreme Court in the matter of ***V. Senthil Balaji v. Deputy Director, Directorate of Enforcement 2024 SCC OnLine SC 2626*** has held as under:-

> *"23……...53. The Court further observed that, over a period of time, the trial courts and the High Courts have forgotten a very well-settled principle of law that bail is not to be withheld as a punishment. From our experience, we can say that it appears that the trial courts and the High Courts attempt to play safe in matters of grant of bail. The principle that bail is a rule and refusal is an exception is, at times, followed in breach. On account of non-grant of bail even in straight forward open and shut cases, this Court is flooded with huge number of bail petitions thereby adding to the huge pendency. It is high time that the trial courts and the High Courts should recognize the principle that "bail is rule and jail is exception".*
>
> *25. Considering the gravity of the offences in such statutes, expeditious disposal of trials for the crimes under these statutes is contemplated. Moreover, such statutes contain provisions laying down higher threshold for the grant of bail. The expeditious disposal of the trial is also warranted considering the higher*

*threshold set for the grant of bail. Hence, the requirement of expeditious disposal of cases must be read into these statutes. Inordinate delay in the conclusion of the trial and the higher threshold for the grant of bail cannot go together. It is a well-settled principle of our criminal jurisprudence that "bail is the rule, and jail is the exception." These stringent provisions regarding the grant of bail, such as Section 45(1)(iii) of the PMLA, cannot become a tool which can be used to incarcerate the accused without trial for an unreasonably long time."*

29.Also, in ***Prem Prakash v. Union of India (2024) 9 SCC 787***, the Hon'ble Supreme Court has held as under:-

*"11. In Vijay Madanlal Choudhary v. Union of India [Vijay Madanlal Choudhary v. Union of India, (2023) 12 SCC 1] , this Court categorically held that while Section 45 PMLA restricts the right of the accused to grant of bail, it could not be said that the conditions provided under Section 45 impose absolute restraint on the grant of bail. Para 302 is extracted hereinbelow : (SCC p. 259)*

*"302. It is important to note that the twin conditions provided under Section 45 of the 2002 Act, though restrict the right of the accused to grant of bail, but it cannot be said that the conditions provided under Section 45 impose*

> *absolute restraint on the grant of bail. The discretion vests in the court, which is not arbitrary or irrational but judicial, guided by the principles of law as provided under Section 45 of the 2002 Act."*

*These observations are significant and if read in the context of the recent pronouncement of this Court dated 9-8-2024 in Manish Sisodia v. Enforcement Directorate [Manish Sisodia v. Enforcement Directorate, (2024) 12 SCC 660 : 2024 SCC OnLine SC 1920] , it will be amply clear that even under PMLA the governing principle is that "Bail is the Rule and Jail is the Exception". In para 52 of Manish Sisodia [Manish Sisodia v. Enforcement Directorate, (2024) 12 SCC 660 : 2024 SCC OnLine SC 1920] , this Court observed as under:*

> *"52. … From our experience, we can say that it appears that the trial courts and the High Courts attempt to play safe in matters of grant of bail. The principle that bail is a rule and refusal is an exception is, at times, followed in breach. On account of non-grant of bail even in straightforward open-and-shut cases, this Court is flooded with huge number of bail petitions thereby adding to the huge pendency. It is high time that the trial courts and the High*

*Courts should recognise the principle that "bail is rule and jail is exception."*

*12. All that Section 45 PMLA mentions is that certain conditions are to be satisfied. The principle that, "bail is the rule and jail is the exception" is only a paraphrasing of Article 21 of the Constitution of India, which states that no person shall be deprived of his life or personal liberty except according to the procedure established by law. Liberty of the individual is always a Rule and deprivation is the exception. Deprivation can only be by the procedure established by law, which has to be a valid and reasonable procedure. Section 45 PMLA by imposing twin conditions does not re-write this principle to mean that deprivation is the norm and liberty is the exception. As set out earlier, all that is required is that in cases where bail is subject to the satisfaction of twin conditions, those conditions must be satisfied.*

*13. Independently and as has been emphatically reiterated in Manish Sisodia [Manish Sisodia v. Enforcement Directorate, (2024) 12 SCC 660 : 2024 SCC OnLine SC 1920] relying on Ramkripal Meena v. Enforcement Directorate [Ramkripal Meena v. Enforcement Directorate, (2024) 12 SCC 682 : 2024 SCC OnLine SC 2276] and Javed Gulam Nabi Shaikh v. State of Maharashtra [Javed Gulam Nabi Shaikh v. State of Maharashtra,*

*(2024) 9 SCC 813] , where the accused has already been in custody for a considerable number of months and there being no likelihood of conclusion of trial within a short span, the rigours of Section 45 PMLA can be suitably relaxed to afford conditional liberty. Further, Manish Sisodia [Manish Sisodia v. Enforcement Directorate, (2024) 12 SCC 660 : 2024 SCC OnLine SC 1920] reiterated the holding in Javed Gulam Nabi Sheikh [Javed Gulam Nabi Shaikh v. State of Maharashtra, (2024) 9 SCC 813] , that keeping persons behind the bars for unlimited periods of time in the hope of speedy completion of trial would deprive the fundamental right of persons under Article 21 of the Constitution of India and that prolonged incarceration before being pronounced guilty ought not to be permitted to become the punishment without trial."*

30. Having regard to the totality of the facts and circumstances as well as the aforesaid dictums led by this Court, including the period of custody undergone by the applicant, the stage of the proceedings, the nature and volume of the evidence, the fact that the prosecution evidence has not yet commenced, and the constitutional requirement of a speedy trial, this Court is of the considered opinion that further incarceration of the applicant is not warranted at this stage. At this stage, except for the statements of the co-accused persons and other

witnesses alleging the applicant's involvement as the main conspirator, no other incriminating material or independent evidence is available on record to establish his involvement in the present case. The allegations against the applicant are undoubtedly serious; however, the question of his guilt or innocence can be determined only upon appreciation of the evidence during trial. Without expressing any opinion on the merits of the prosecution case, this Court is satisfied that the applicant can be enlarged on regular bail subject to stringent conditions to safeguard the interests of the prosecution and ensure the fair conduct of the trial.

31. Accordingly, the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is **allowed**. The applicant- Arun Pati Tripathi, shall be released on regular bail in connection with FIR No. 44/2024 dated 05.10.2024, registered at Police Station Economic Offences Wing (EOW)/Anti-Corruption Bureau (ACB), Raipur, District Raipur (C.G.), for the offences punishable under Sections 467, 468, 471 and 120-B of the Indian Penal Code, 1860, and Sections 7(b) and 8 of the Prevention of Corruption Act, 1988, upon furnishing a personal bond in the sum of ₹10,00,000/- (Rupees Ten Lacs only) with two solvent sureties in the like

amount to the satisfaction of the concerned trial Court, subject to the following conditions:

> *"(i) 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 such person from disclosing the facts before the Court or any investigating authority.*
>
> *(ii) The applicant shall surrender his passport, if any, if not already surrendered, before the concerned Trial Court and shall not leave the territory of India without prior permission of the said Court.*
>
> *(iii) The applicant shall remain present before the Trial Court on each and every date fixed unless exempted in accordance with law.*
>
> *(iv) The applicant shall not indulge in any act which may delay or prejudice the fair conduct of the trial.*
>
> *(v) The applicant shall furnish one active telephone/mobile number to the concerned authorities and shall keep the same operational during the period he remains on bail, so that his whereabouts may be ascertained whenever required in accordance with law.*

*(vi) The applicant shall cooperate with the investigating agency, as and when required in accordance with law.*

*(vii) In the event of violation of any of the aforesaid conditions, it shall be open to the State to seek cancellation of bail in accordance with law."*

27. It is clarified that the observations made hereinabove are confined to the adjudication of the present application for grant of regular bail and shall not be construed as an expression of opinion on the merits of the case. The concerned Trial Court shall proceed independently and decide the case solely on the basis of the evidence adduced before it, uninfluenced by any observation contained in this order.

28. Accordingly, the bail application stands **allowed** in the aforesaid terms.

Sd/-

**(Amitendra Kishore Prasad)**
**Judge**

Vishakha