

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 23rd OF JULY, 2024

MISC. CRIMINAL CASE No. 27895 of 2024

SMT. SUMA BHASKARAN (SUMA ANIL)

Versus

UNION OF INDIA

Appearance:

Shri Manish Datt- Senior Advocate with Shri Ishan Tignath- Advocate for the applicant.

Shri Vikram Singh – Advocate for respondent / CBI.

Shri Kaurav Som is also present along with case diary.

ORDER

1. This application under Section 439 of Cr.P.C. has been filed for grant of bail.
2. The applicant has been arrested on 19.5.2024 in connection with Crime No.RC2162024A0004/2024, registered at CBI AC-I, New Delhi, for offence under Sections 7, 7-A, 8, 9, 10 and 12 of the Prevention of Corruption Act, 1988.
3. It was submitted by counsel for the applicant that although investigating agency has filed a charge sheet but copy of the same has not been supplied to any of the accused including the applicant.
4. It was submitted by Investigating Officer Shri Som that since the sanction for prosecution of the public servant has not been received and, therefore, the Court cannot take cognizance against

them and thus, copy of the charge sheet has not been supplied to any of the accused and only after the sanction for prosecution is received and cognizance is taken, copy of the charge sheet shall be supplied to the accused.

5. Heard learned counsel for the parties.
6. Moot question which arises for consideration is as to whether the accused can be kept in jail without any progress in the trial.
7. The basic contention of the prosecution is that in absence of sanction for prosecution, the Court cannot take cognizance against the public servants and in absence of any cognizance against the public servants, even the Court cannot proceed against the private person like the applicant.
8. While dictation of the order was in progress, the Investigating Officer interrupted and submitted that since application for grant of bail was filed prior to filing of the charge sheet, therefore, the ground raised by the applicant is not available.
9. The aforesaid submission made by Shri Som was shocking. Whether the charge sheet was filed prior to filing of the application or has been filed subsequent to the application, has no relevance because this application is not being decided as an application for grant of default bail but this application is being decided on the ground that whether in absence of progress in trial, this Court can compel a person to languish in jail or not.
10. Accordingly, additional contention raised by Investigating Officer during dictation of the order is hereby rejected.

11. It is the stand of the prosecution itself that for the time being the trial cannot proceed because of legal hurdles. If that is so, then no one can be allowed to languish in jail because unless and until a person is held to be guilty he has to be presumed innocent.
12. Be that whatever it may be.
13. Accordingly, this application is **allowed**. It is directed that applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac)** with one surety in the like amount to the satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.
14. This order shall remain effective till the end of trial but in case of bail jump, it shall become ineffective and the trial Court shall be free to take the applicant in custody.
15. In the light of the judgment passed by the Supreme Court in the case of **Aparna Bhat & Ors. vs. State of M.P. passed on 18.03.2021 in Criminal Appeal No.329/2021**, the intimation regarding grant of bail be sent to the complainant.
16. Certified copy as per rules.

(G. S. AHLUWALIA)
JUDGE

JP/-

