



ITEM NO.4

COURT NO.3

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Special Leave to Appeal (Cr1.) No(s). 3794/2022

(Arising out of impugned final judgment and order dated 13-04-2022 in BA No. 1804/2022 passed by the High Court Of Jharkhand At Ranchi)

SANJAY KUMAR TIWARY @ SANJAY KUMAR TIWARI**PETITIONER(S)****VERSUS****UNION OF INDIA****RESPONDENT(S)**

**(IA No. 76337/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 151005/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 60166/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 151004/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 117802/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 69031/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)**

WITH**MA 746/2022 in SLP(Cr1) No. 647/2022 (II-A)**

**(IA No. 63663/2022 - APPROPRIATE ORDERS/DIRECTIONS)
SLP(Cr1) No. 11144/2022 (II-A)**

**(IA No. 179272/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)**

Date : 30-01-2023 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA**

**For Petitioner(s) Mr. Balaji Srinivasan, AOR
Ms. Aakriti Priya, Adv.
Mr. Shiva Krishnamurti, Adv.
Ms. Gauri Pasricha, Adv.
Mr. Devamshu Behl, Adv.**

Mr. Rohan Dewan, Adv.

For Respondent(s) Mr. Tushar Mehta, Solicitor General (NP)
Mr. Sanjay Jain, A.S.G. (NP)
Mr. Mukesh Kumar Maroria, AOR
Mr. Kanu Agarwal, Adv. (NP)
Ms. Deepabali Dutta, Adv.
Ms. Preeti Rani, Adv.
Ms. Swati Ghildiyal, Adv.
Ms. Sairica Raju, Adv.
Mr. Zoheb Hussain, Adv.
Ms. Meena Devi, Adv.
Ms. Harshita Sukhija, Adv.
Mr. Yuvraj, Sharma, Adv.

Mr. Aishwarya Bhati, A.S.G.
Mrs. Ruchi Kohli, Adv.
Mr. Shantnu Sharma, Adv.
Mr. Archana Pathak Dave, Adv.
Mrs. Swati Ghildiyal, Adv.
Mrs. Aakanksha Kaul, Adv.
Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

Special Leave to Appeal (Cr1.) No(s). 3794/2022 with SLP(Cr1.)
No. 11144/2022

After hearing the learned counsel for the petitioner and the learned Additional Solicitor General appearing on behalf of the respondent, noticing the request made by the learned counsel for the petitioner that if the petitioner is released for a period of eight weeks, he would be in a position to organize the funds so that the amount remaining to be deposited (about Rs.16.35/- crores) is paid back to the State Bank of India, Hatia Branch, Ranchi, Jharkhand and further bearing in mind that the petitioner is in custody since 23.11.2021 and further not overlooking the submission

of the petitioner that the petitioner has undergone nearly 15 months custody which is nearly 50% of the minimum sentence that he can be visited with for the offence under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002, we are of the view that the petitioner can be granted interim bail.

Accordingly, the petitioner is granted interim bail for a period of four weeks from the date of his actual release from custody.

Accordingly, it is directed that the petitioner shall be released on interim bail subject to the conditions which are imposed by the trial Courts. The trial Courts shall include the following conditions.

1. The petitioner shall not leave Ranchi except with the permission of the Investigating Officer(s) in connection with Enforcement Case Information Report (ECIR) No.3 of 2021 pending before the Court of Ld. Additional Judicial Commissioner I cum Special Judge, CBI cum PMLA, Ranchi, Jharkhand and R.C. No.12(A)/2017-R under Sections 120B, 406, 409, 420 of IPC along with Section 13 (2) read with Section 13 (1) (d) of Prevention and Corruption Act in the Court of Special Judge, CBI, Ranchi.

2. If the petitioner has passport, he shall surrender before the Court of Ld. Additional Judicial Commissioner I cum Special Judge, CBI cum PMLA, Ranchi, Jharkhand

3. Needless to say that, it shall be a further condition that the petitioner shall in no way to influence or to reach out the witnesses in both the cases.

We make it clear that this order is being passed bearing in mind also that public interest would be subserved if the petitioner is enabled (for which he has also showed his willingness to do so) make available the precious public funds which are the subject matter of the litigation.

We further make it clear that upon the expiry of the period of four weeks from the date of actual release from custody, the petitioner shall without fail surrender.

List the matters on 3rd of March, 2023.

M.A. No. 746/2022 in SLP(Cr1) No. 647/2022

List the matter on 3rd March, 2023.

(JAGDISH KUMAR)
COURT MASTER (SH)

(RENU KAPOOR)
ASSISTANT REGISTRAR