

2026 LiveLaw (SC) 367

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

VIKRAM NATH; J., SANDEEP MEHTA; J.

SLP (Crl.) No (s). 891 of 2026; APRIL 13, 2026

ANOSH EKKA *versus* STATE THROUGH CENTRAL BUREAU OF INVESTIGATION

Criminal Procedure – Suspension of Sentence and Grant of Bail – Disproportionate Assets – Overlapping Allegations – Double Jeopardy – Appellant, a former Minister, was convicted for amassing assets disproportionate to known sources of income and illegal acquisition of tribal lands - Prosecution split the original case into two separate charge-sheets involving overlapping allegations and the same check period - Appellant contended that dual prosecution for identical allegations violates the right against double jeopardy under Article 20(3) of the Constitution of India - The Supreme Court noted that the appellant’s sentence in the first case had already been suspended by the Court and that he had undergone substantial custodial incarceration in both matters - Held: Without expressing a final opinion on the merits of the overlapping allegations which must be decided by the High Court, the Court found it fit to grant bail - Bail granted subject to the appellant filing an undertaking within seven days of release to assist in the process of restoring illegally acquired tribal land to its original status. [Paras 13-21]

For Petitioner(s): Mr. Siddharth Dave, Sr. Adv. Mr. Vishal Kumar, Adv. Mr. Nikhil Jain, AOR Mr. Sujit Kumar Sinha, Adv. Mr. Aniket Bose, Adv.

For Respondent(s): Mr. Davinder Pal Singh, A.S.G. Mr. Mukesh Kumar Maroria, AOR Mr. Rajan Kumar Chourasia, Adv. Ms. Disha Thakkar, Adv. Ms. Astha Singh, Adv. Mr. Jagdish Chandra, Adv. Ms. Archana Surve Shinde, Adv.

ORDER

1. Heard.
2. Leave granted.
3. The appellant herein, a former Minister in the State of Jharkhand has preferred the instant appeal against order dated 18th December, 2025 passed by the High Court of Jharkhand at Ranchi¹ in I.A. No. 13857 of 2025 arising out of Criminal Appeal (SJ) No. 850 of 2025, whereby the High Court rejected the appellant’s application for suspension of sentence and grant of bail during pendency of the appeal.
4. The case of the prosecution, in a nutshell, is that an FIR being Vigilance Bureau P.S. Case No. 26 of 2008 came to be registered on the basis of a complaint filed by one Kumar Binod alleging that the appellant and another Minister, namely, Hari Narain Rai, had acquired assets disproportionate to their known sources of income. Pursuant to order dated 4th August, 2010 passed by the High Court in WP (PIL) Nos. 4700 of 2008 and 2222 of 2009, the investigation was assigned to Central Bureau of Investigation.
5. It is alleged that as against a pre-check asset of Rs. 10,48,827/-, the appellant amassed assets worth approximately Rs. 57.01 crores. These assets include land in and around Ranchi and a palatial bungalow. It is further alleged that after becoming a Minister, the appellant floated construction companies and got them registered with the Rural Works Department in order to legalise his illegally acquired wealth.

¹ Hereinafter referred as “High Court”

6. It is also alleged that the appellant misused his position to illegally acquire large tracts of tribal lands in violation of the provisions of the Chota Nagpur Tenancy Act, 1908². The transactions were made in the name of his wife, Mrs. Menon Ekka, by furnishing false residential addresses and submitting false affidavits. The investigation further revealed that such illegal transactions were orchestrated in connivance with public officials including the Land Reforms Deputy Collector and Circle Office staff, who facilitated illegal transfers of tribal lands despite statutory prohibitions.

7. It is further alleged that the appellant floated firms such as M/s Mahamaya Construction and M/s Ekka Construction Pvt. Ltd., in which his wife was the major shareholder, and later got these firms registered as Class-I contractors despite not fulfilling the eligibility criteria. These firms were awarded lucrative government contracts by departments which were under the direct control of the appellant, thereby conferring undue pecuniary advantage.

8. Upon completion of investigation, the CBI submitted a chargesheet dated 11th December, 2012 against the appellant and other accused persons for offences punishable under Sections 120B, 193 and 420 of the Indian Penal Code, 1860³ and Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988⁴, on the basis of which the appellant was put to trial in R.C. Case No. 04(A)/2010-AHD-R(B) The appellant was ultimately held guilty for offences punishable under Section 120B read with Section 13(1)(d) of the PC Act, 1988, Section 13(2) read with Section 13(1)(d) of the PC Act, 1988 and Section 120B read with Section 193 IPC.

9. Be that as it may, the appeal against the said conviction is still pending consideration before the High Court of Jharkhand. The sentence awarded to the appellant in the said case was suspended by this Court and he was granted bail *vide* order dated 28th April, 2023 passed in SLP (Crl.) No. 5004 of 2023.

10. The CBI thereafter submitted a separate chargesheet leading to the institution of R.C. Case No. 04(A)/2010-AHD-R(C), out of which the present proceedings arise. In the said case, the appellant was tried and convicted by the learned trial Court *vide* judgment dated 29th August, 2025 for offences punishable under Section 120B read with Section 13(1)(d) of the PC Act, 1988, Section 13(2) read with Section 13(1)(d) of the PC Act, 1988 and Section 120B read with Section 193 IPC, and *vide* order dated 30th August, 2025, he was sentenced to undergo rigorous imprisonment of seven years each for the offences under the PC Act, 1988 along with fine of Rs.1,00,000/- each, and rigorous imprisonment of two years with fine of Rs. 10,000/- for the offence under Section 120B read with Section 193 IPC, with all sentences directed to run concurrently.

11. Aggrieved thereby, the appellant preferred Criminal Appeal (SJ) No. 850 of 2025, which is pending consideration before the High Court. The application for suspension of sentence filed therein came to be rejected by order dated 18th December, 2025, and being aggrieved of such rejection, the appellant has approached this Court by way of the present appeal by special leave.

12. Shri Siddharth Dave, learned senior counsel appearing for the appellant, contended that the land in question has already been seized by the Enforcement Directorate. Furthermore, properties/assets of the appellant valuing approximately Rs. 18 crores stand

² Hereinafter referred as “CNT Act”

³ For short, “IPC”

⁴ Hereinafter referred as “PC Act, 1988”

attached and seized under orders passed by the adjudicating authority in proceedings initiated by the Enforcement Directorate.

13. He submitted that two separate chargesheets have been filed by splitting the original Vigilance P.S. Case No. 26 of 2008, though the allegations pertain to the same check period, same set of transactions and alleged acquisition of disproportionate assets by indulging in criminal misconduct during the selfsame period. It was pointed out that even in the earlier trial, the appellant was alleged to have acquired properties worth approximately Rs. 57.01 crores in the name of his wife, Mrs. Menon Ekka, including properties at serial nos. 1 to 15, and that the very same properties, as reflected in paragraphs 3 and 4 of the trial Court judgment, have again been made the subject matter of prosecution in the split chargesheet. The same sets of properties have been referred to in both R.C. Case No. 04(A)/2010-AHDR(B) and the present case, i.e., R.C. Case No. 04(A)/2010-AHD-R(C), thereby indicating that both prosecutions arise out of overlapping set of identical allegations.

14. It was further urged that the appellant has already undergone imprisonment for a period of nearly four years in the earlier case. In the present case also, he has been sentenced to undergo rigorous imprisonment of seven years each under Sections 120-B read with 13(1)(d) and Section 13(2) read with 13(1)(d) of the PC Act, 1988 along with two years' rigorous imprisonment under Section 120-B read with Section 193 IPC, which, according to the appellant, tantamounts to a dual punishment for the same set of allegations thereby being in the teeth of right against double jeopardy as guaranteed under Article 20(3) of the Constitution of India.

15. Shri Dave also pointed out that the tribal lands involved in the case have already been ordered to be confiscated by the Special Court under the PMLA *vide* judgment dated 21st March, 2020. The appellant and his family members undertake to extend full cooperation in restoring the land to its original status. It was contended that there is no likelihood of the appeal being heard in the near future and, considering that the maximum sentence awarded is seven years, the appellant deserves to be enlarged on bail during the pendency of the appeal.

16. *Per contra*, Shri Davinder Pal Singh, learned Additional Solicitor General appearing for the respondent-CBI, vehemently opposed the submissions advanced on behalf of the appellant. He submitted that the appellant, while holding the responsible public office of a Minister in the State of Jharkhand, misused his official position and indulged in extended acts of criminal misconduct thereby amassing assets grossly disproportionate to his known sources of income. He contended that the allegations against the appellant are grave in nature and, therefore, he does not deserve the indulgence of bail.

17. However, referring to the reply to additional queries made by this Court, Shri Singh conceded that substantial assets of the appellant valuing nearly Rs. 18 crores have already been attached, and such attachment stands confirmed by the adjudicating authority. He also submitted that the tribal land in question has been confiscated. It was, however, pointed out that till date, no steps have been taken by the State Government for cancellation of the sale deeds and reversion of the tribal land in terms of the provisions of the CNT Act.

18. We have given our thoughtful consideration to the submissions advanced at Bar and have gone through the impugned judgment.

19. A perusal of the material available on record would indicate that two split charge-sheets were filed against the appellant arising from Vigilance P.S. Case No. 26 of 2008,

leading to the institution of R.C. Case No. 04(A)/2010-AHD-R(B) and R.C. Case No. 04(A)/2010-AHD-R(C). Many of the allegations in the present case and the earlier case appear to be overlapping. In the previous case, the appellant had remained in custody for more than 4 years, whereafter, this Court suspended the sentences awarded to the appellant and released him on bail.

20. A fervent contention has been raised on behalf of the appellant that two separate prosecutions were impermissible because the allegations in both the cases are overlapping. This aspect of the case would have to be gone into by the High Court while deciding the pending appeals. However, the fact remains that the appellant has undergone custodial incarceration of more than 10 months in the present case as well. The sentence awarded to the appellant in the other case involving allegations of acquisition of disproportionate assets, having been suspended by this Court, we are inclined to grant bail to the appellant in the present case also.

21. Accordingly, we direct that the appellant shall be released on bail by suspending the substantive sentence of imprisonment awarded by the trial Court, subject to the condition that the appellant files an undertaking before the trial Court within 7 days of his release, stating that he shall assist in the process of restoration of the tribal land to its original status as and when required. The release of the appellant on bail shall further be subject to such other terms and conditions as the trial Court may deem fit to impose and upon furnishing bail bonds and sureties to the satisfaction of the trial Court.

22. The impugned order is accordingly set aside.

23. The appeal is allowed in these terms.

24. Pending application(s), if any, shall stand disposed of.

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