



ITEM NO.6

COURT NO.5

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

Petition(s) for Special Leave to Appeal (CrI.) No(s).1627/2022

(Arising out of impugned final judgment and order dated 16-11-2021 in CRLBA No.986/2020 passed by the High Court Of Judicature At Bombay)

INDRANI PRATIM MUKERJEA

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ANR.

Respondent(s)

(IA No. 9221/2022 - APPLICATION FOR PERMISSION
IA No. 7224/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No. 7227/2022 - EXEMPTION FROM FILING O.T.
IA No. 14657/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES, IA No. 7226/2022 - PERMISSION TO FILE
LENGTHY LIST OF DATES)

Date : 18-05-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Ms. Sana Raees Khan, Adv.
Mr. Sushil Karanjkar, Adv.
Mr. Dhawesh Pahuja, Adv.
Mr. Sandeep Singh, AOR

For Respondent(s) Mr. Suryaprakash V.Raju, Ld ASG.
Mr. Sairica Raju, Adv.
Mr. Rajat Nair, Adv.
Ms. Nidhi Banga, Adv.
Mr. Sudarshan. K., Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Sachin Patil, AOR
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shewtal Shepal, Adv.
Mr. Risvi Muhammed, Adv.



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

The petitioner has filed this Special Leave Petition challenging the order passed by the High Court on 16.11.2021 dismissing her application for bail. The petitioner is charged of kidnapping her daughter with intention to murder and committing murder after entering into a criminal conspiracy. The petitioner is the wife of Pratim @ Peter Balram Mukerjea who is co-accused in the case. The petitioner is alleged to have committed murder being annoyed by the live in relationship of her daughter, through her earlier husband Sanjeev Khanna with Rahul Mukerjea who is the son of Peter Balram Mukerjea, through his earlier wife-Shabnam Singh.

Mr. Mukul Rohatgi, learned senior counsel appearing for the petitioner submitted that the petitioner has been in custody for the last 6½ years. He further submitted that she would be entitled for the benefit of special dispensation under Section 437 Cr.P.C. There are 237 witnesses cited by the prosecution, out of whom 68 have been examined. He stated that the Presiding Officer was on leave from 07.06.2021 till 04.05.2022. He submitted that the trial will not complete soon in view of the large number of witnesses yet to be examined. He further argued that the co-accused-Pratim @ Peter Balram



Mukerjea has been released on bail on 06.02.2020 by the High Court of Judicature at Bombay on the following conditions :

“(i) ..

(ii) Since the applicant is an U.K. National, he shall surrender his passport to the C.B.I. Court and shall not leave India without permission of the C.B.I. Court.

(iii) The Applicant shall inform his latest place of residence and contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the prosecution as well as C.B.I. Court, in writing.

(iv) The applicant shall not influence the prosecution witnesses or tamper with the evidence.

(v) The applicant shall regularly attend the trial and shall not seek any adjournment on whatsoever count.

(vi) The applicant in any case shall not meet or establish contact with the witnesses namely his adopted daughter Vidhie, son Rahul or Mekhail or any other witnesses till recording of evidence is over.

(vii) If there are two consecutive defaults in appearing before the trial Court or breach



of any of the above conditions, the prosecution will be at liberty to apply for cancellation of Applicant's bail."

He relied upon earlier judgments of this Court and argued that accused persons who have undergone a long period of custody in jail during trial have been released on bail.

Mr. Suryaprakash V.Raju, learned Additional Solicitor General opposed the grant of bail to the petitioner. He submitted that there is clinching evidence showing the involvement of the petitioner which is clear from the evidence of Shyamwar Pinturam Roy (PW-2). He further submitted that CDRs also show that she was involved in the crime. Mr. Raju, on instructions, submitted that 50% of the remaining witnesses would be given up by the prosecution, in which case, the trial would be completed early and there is no reason for grant of bail to the petitioner who is involved in a grave offence. He also argued that the evidence of Rahul Mukerjea is scheduled to be recorded on 27.05.2022 and setting the petitioner at liberty would be giving an opportunity to her to influence a crucial witness in this case. Apart from the gravity of the offence, the petitioner is alleged to have made an attempt to screen the material, therefore, this Court should take note of the



seriousness of the offence and refuse grant of bail to the petitioner.

Admittedly, the petitioner has been in custody for 6½ years. We do not intend to comment on the merits of the case which might be detrimental to the interest of either the prosecution or the defence. Taking into account the fact that the petitioner has been in custody for 6½ years and even if 50% of the remaining witnesses are given up by the prosecution, the trial will not complete soon, we are of the considered view that the petitioner is entitled to be released on bail.

The petitioner is directed to be released on bail subject to the satisfaction of the trial Court, in addition to the following conditions :

(i) The petitioner shall surrender her passport to the C.B.I. Court and shall not leave India without permission of the C.B.I. Court.

(iii) The petitioner shall inform her latest place of residence and contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the prosecution as well as C.B.I. Court, in writing.

(iv) The petitioner shall not influence the prosecution witnesses or tamper with the



evidence.

(v) The petitioner shall regularly attend the trial and shall not seek any adjournment on whatsoever count.

(vi) The petitioner in any case shall not meet or establish contact with the witnesses till recording of evidence is over.

(vii) If there are two consecutive defaults in appearing before the trial Court or breach of any of the above conditions, the prosecution will be at liberty to apply for cancellation of petitioner's bail."

We make it clear that we have not expressed any opinion on the merits of the case while granting bail to the petitioner.

The Special Leave Petition stands disposed of. Pending application(s), if any, shall stand disposed of.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Assistant Registrar