

**IN THE SUPREME COURT OF INDIA**  
[S.C.R., ORDER XXII RULE 2(1)]

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION  
(Under Article 136 of the Constitution of India)

**Special Leave Petition (CRL.) NO. \_\_\_\_\_ OF 2019**

(ARISING OUT OF THE JUDGMENT AND FINAL ORDER  
DATED 20.08.2019 PASSED BY THE HON'BLE HIGH COURT  
OF DELHI AT NEW DELHI IN BAIL APPLICATION NO. 1316  
OF 2018)

**[WITH PRAYER FOR INTERIM RELIEF)**

**IN THE MATTER OF:**

Shri P. Chidambaram ...Petitioner

Versus

Central Bureau of Investigation ...Respondent

**W I T H**

**CRL.M.P. NO. \_\_\_\_\_ OF 2019**  
APPLICATION FOR EXEMPTION FROM FILING  
CERTIFIED COPY OF THE IMPUGNED ORDER

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**ADVOCATE FOR THE PETITIONER : SHALLY BHASIN**

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**IN THE SUPREME COURT OF INDIA**

**CRIMINAL APPELLATE JURISDICTION**

Special Leave Petition (CRL.) NO. \_\_\_\_\_ OF 2019

**IN THE MATTER OF:**

Shri P. Chidambaram

...Petitioner

Versus

Central Bureau of Investigation

...Respondent

**FILING INDEX**

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Filed by

Ms. Shally Bhasin  
Advocate for the Petitioner



**RECORD OF PROCEEDINGS**

<b>SR. NO.</b>	<b>PROCEEDINGS</b>
1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____



Dated: 21.08.2019

### **SYNOPSIS**

The Petitioner is moving this urgent Special Leave Petition against the Order of the High Court dated 20.08.2019 which is manifestly contrary to law and unjust:

- The interim protection was granted by the High Court on 31.05.2018 and continued until 20.08.2019.
- Arguments were heard on the Bail Application and judgment reserved on 25.01.2019; and nearly 7 months later the Bail Application was rejected.
- In the FIR filed by the CBI, the Petitioner was summoned only once on 06.06.2018, he had duly appeared and answered all questions, and no summons was issued thereafter.
- The FIR mentioned Section 8 and Section 13(1)(d) of the Prevention of Corruption Act and Section 420 and 120B of the I.P.C. Section 13 of the P.C. Act was repealed and re-enacted w.e.f. 26.07.2018, without any saving clause. Hence, the section cannot be invoked to prosecute the Petitioner in view of the Constitution Bench Judgment reported in *Kolhapur Canesugar Works Limited vs. Union of India, (2000) 2 SCC 536 at Para 37*.
- None of the three grounds to deny bail were made out: there is no allegation that the Petitioner is likely

to flee justice; or that the Petitioner is likely to influence the witnesses; or that the Petitioner is likely to tamper with the evidence.

The brief facts are as under:-

- A) The Petitioner was the Union Finance Minister during the period 2004-2008. The Foreign Investment Promotion Board (FIPB) was constituted in order to promote foreign investment in the country and to grant approval for foreign investment proposals in cases requiring prior approval of the government. FIPB was an empowered body that laid down its procedures and guidelines. The Board consisted of six Secretaries to the Government of India and it was chaired by Secretary, Economic Affairs.
- B) In 2007, INX Media Pvt. Ltd. (**'INX Media'**), an Indian company, applied to the FIPB for approval for FDI up to 46.216 per cent of the issued equity capital of the company. The policy allowed FDI up to 74 per cent of the equity. FIPB unit examined the proposal, found it to be in order and submitted the case to the FIPB. FIPB unanimously approved the proposal and directed that the case be placed before the Finance Minister for approval.

- C) In May 2007, a bunch of proposals, including the INX Media case, was placed before the Finance Minister. He granted approval in the normal course of official business.
- D) It appears that INX Media wished to make a downstream investment. While granting the first approval, FIPB had added a rider that downstream investment would require separate approval. It appears that in 2008 INX Media brought in FDI for downstream investment and subsequently applied for and obtained approval of the FIPB/Finance Minister for the downstream investment. This approval was also granted in the normal course of official business.
- E) Ten years later, based on alleged 'oral source information', CBI recorded an FIR on 15-5-2017 against four companies, Karti Chidambaram (the Petitioner's son) and 'unknown officials of the Ministry of Finance'. The provisions mentioned were Section 120-B r/w Section 420 IPC and Sections 8, 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act.
- F) The Petitioner was not named as an accused or suspect in the aforesaid FIR. There was not even any

allegation against the Petitioner in the body of the said FIR.

- G) It is the case of the Petitioner that the said FIR was baseless, politically motivated and an act of vendetta against the Petitioner (and his son) because the Petitioner is a vocal critic and opponent of the present central government inside Parliament and outside.
- H) Following registration of the aforesaid FIR, the Enforcement Directorate (ED) appears to have registered an ECIR. The contents of the said ECIR are not known because the ED maintains it as an internal record. The Petitioner believes that the said ECIR was a copy of the abovementioned FIR and there were no allegations against the Petitioner in the body of the said ECIR.
- I) The trigger for the investigation is claimed to be a payment of Rs 10 lakhs (by cheque on which income-tax was paid) by INX Media to another company namely M/s Advantage Strategic Consulting Pvt. Ltd. for consultancy rendered by the latter. It is on record that INX Media has denied any other payment; nor has any evidence been brought on record of any other payment. The Petitioner has

no connection whatsoever with either INX Media or M/s Advantage Strategic Consulting Pvt. Ltd.

- J) In May 2018, CBI summoned the Petitioner for questioning. Apprehending arrest, but promising full cooperation in the investigation, the Petitioner applied for anticipatory bail in the Hon'ble High Court of Delhi. The Petitioner was granted interim bail on 31-5-2018. Thereafter, CBI issued fresh summons to the Petitioner, whereafter, the Petitioner appeared for questioning on 6-6-2018 and answered all the questions. Pertinently, no further summons was issued by the CBI thereafter. The interim bail was continued by the High Court, from time to time, until the impugned order.
- K) Since CBI and ED were acting in tandem, apprehending arrest by ED, the Petitioner applied for and obtained anticipatory bail from the High Court, Delhi on 25-7-2018. ED summoned the Petitioner for questioning and the Petitioner appeared before the ED on 19-12-2018, 7-1-2019 and 21-1-2019 and answered all the questions. ED has indicated that the Petitioner will be summoned for another day of questioning and the Petitioner has conveyed his availability to appear on that day. The interim bail



was continued by the High Court, from time to time, until the impugned order.

- L) It is pertinent to note that all other persons arrested by the CBI (including the Petitioner's son) have been granted bail. The Petitioner's son has been granted regular bail by the High Court (confirmed by this Hon'ble Court), another person has been granted anticipatory bail which order has not challenged by the CBI, and two persons have been granted statutory bail.
- M) On 21-1-2019, CBI applied to the Competent Authority for sanction to prosecute the Petitioner. It can therefore be inferred that the CBI had concluded its investigation, submitted the draft charge sheet to the Competent Authority and will file the charge sheet in the Trial Court subject to sanction being granted. It is also reasonable to infer that the ED will conclude its investigation shortly.
- N) The two Bail Applications of the Petitioner were heard on 25-1-2019 by the Hon'ble High Court and the same were reserved for orders. On 20.08.2019, the High Court pronounced the impugned Order and dismissed the two bail petitioner vide a common order.

- O) Aggrieved by the impugned Order dated 20.08.2019, the Petitioner is preferring the present Special Leave Petition.

LIST OF DATES

- 13.03.2007 M/s INX Media Pvt. Ltd. applied to the Foreign Investment Promotion Board (hereinafter referred to as the "**FIPB**"), a unit of Ministry of Finance, Government of India for approval to issue equity shares and redeemable preference shares by way of preferential allotment and also to make downstream investment.
- 18.05.2007 FIPB in its meeting recommended for approval of the issue of equity shares and redeemable preference shares but advised the Applicant company to make a separate application for the proposed downstream investment.
- Sometime thereafter, the FIPB placed the recommendation before the Petitioner, as the then Finance Minister and being the competent authority, and the Petitioner accorded his approval to the recommendation in the normal course of official business.
- 31.05.2007 FIPB approval conveyed to the Applicant Company.
- 2007-08 Subsequently, a group company, M/s INX News

Pvt. Ltd. (hereinafter referred to as “**INX News**”) applied to the FIPB for approval to make downstream investment. FIPB recommended the proposal for approval to the Petitioner, as the then Finance Minister and the Petitioner, as the then Finance Minister and being the competent authority, accorded his approval in respect of the aforesaid in the normal course of official business.

- 15.05.2017
- After about 10 (Ten) years, based on an alleged ‘oral’ source information, the CBI registered the First Information Report bearing no. RC-2202017-E-0011, under Sections 120-B read with 420 of the Indian Penal Code, 1860 and Section 8 and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.
  - M/s INX Media, the Petitioner’s son Sh. Karti P. Chidambaram, “unknown officials of the M/o. Finance, Government of India” and others were named as accused persons in the subject FIR.
  - Pertinently, the Petitioner is neither named as an accused nor as a suspect in the subject FIR. There is no allegation against

the Petitioner in the body of the subject FIR.

True copy of the FIR bearing No. RC-2202017-E-0011 dated 15.05.2017 is annexed hereto as

**ANNEXURE 'P-1'. (At pages 54 to 69)**

16.05.2017 A search was conducted by the CBI at the residential premises of the Petitioner's son. Pertinently, no incriminating material was found or recovered during the said search.

28.02.2018 During the course of the investigation in the aforesaid FIR, the Petitioner's son was arrested on 28.02.2018.

23.03.2018 Subsequently, the Petitioner's son filed a Bail App. No. 573/2018 titled "*Karti P. Chidambaram v. CBI*" before the Hon'ble High Court and was granted bail *vide* Order dated 23.03.2018 passed by the Hon'ble High Court.

True copy of the Order dated 23.03.2018 passed by the Hon'ble High Court of Delhi at New Delhi in Bail App. No. 573/2018 titled "*Karti P. Chidambaram v. CBI*" is annexed hereto as

**ANNEXURE 'P-2'. (At pages 70 to 109)**

28.05.2018 The Petitioner received a Notice dated 28.05.2018 under Section 41A Cr.P.C. from the Respondent CBI in relation to the aforesaid FIR directing the Petitioner to appear before the Respondent CBI on 31.05.2018. True copy of

the Notice dated 28.05.2018 issued under Section 41A of Cr.P.C. by the Respondent CBI is annexed hereto as **ANNEXURE 'P-3'**. (At **Page 110**)

30.05.2018 Pursuant thereto, the Petitioner, while apprehending his arrest but assuring full cooperation in the investigation and undertaking to appear before the Investigating Officer, preferred a petition being B.A. No. 1316 of 2018 under Section 438 Cr.P.C. before the Hon'ble High Court seeking anticipatory bail.

True Copy of the Bail Petition being B.A. No. 1316 of 2018 titled "*P. Chidambaram v. CBI*" filed before the Hon'ble Delhi High Court dated 30.05.2018 is annexed hereto as **ANNEXURE 'P-4'**. (At **pages 111 to 127**).

31.05.2018 The Hon'ble High Court, *vide* Order dated 31.05.2018 in B.A. No. 1316 of 2018, while issuing notice, was pleased to direct that no coercive steps be taken against the Petitioner, subject to his joining investigation. True Copy of the Order dated 31.05.2018 passed by the Hon'ble High Court of Delhi at New Delhi in B.A. No. 1316 of 2018 titled "*P. Chidambaram v. CBI*" is annexed hereto as **ANNEXURE 'P-5'**. (At

**Page 128)**

06.06.2018 The Petitioner joined investigation in the abovementioned FIR and duly appeared before the CBI in compliance with the Notice under Section 41A Cr.P.C. The CBI has not summoned the Petitioner thereafter.

03.07.2018 The Respondent CBI filed its short Reply to the aforesaid Bail Application opposing grant of anticipatory bail to the Petitioner and stating that the Respondent requires the custody of the Petitioner.

The interim protection granted to the Petitioner was extended subsequently by the Hon'ble High Court *vide* its Orders dated 03.07.2018 and 09.07.2018. True Copy of the Reply dated 03.07.2018 filed by the CBI in B.A. No. 1316 of 2018 titled "*P. Chidambaram v. CBI*" is annexed hereto as **ANNEXURE 'P-6'**. **(At Pages 129 to 134)**

True Copy of the Order dated 03.07.2018 passed by the Hon'ble High Court of Delhi at New Delhi in B.A. No. 1316 of 2018 titled "*P. Chidambaram v. CBI*" is annexed hereto as **ANNEXURE 'P-7'**. **(At Page 135)**

True Copy of the Order dated 09.07.2018 passed

by the Hon'ble High Court of Delhi at New Delhi in B.A. No. 1316 of 2018 titled "*P. Chidambaram v. CBI*" is annexed hereto as **ANNEXURE 'P-8'**.

**(At Page 136)**

25.07.2018 The Petitioner filed his Rejoinder to the Reply filed by the Respondent CBI to the bail application of the Petitioner.

A true Copy of the Rejoinder filed by the Petitioner before the Hon'ble High Court of Delhi at New Delhi in B.A. No. 1316 of 2018 titled "*P. Chidambaram v. CBI*" dated 25.07.2018 is annexed hereto as **ANNEXURE 'P-9'**. (At

**Pages 137 to 145)**

01.08.2018 The interim protection granted to the Petitioner was extended subsequently by the Hon'ble High Court *vide* its Orders dated 01.08.2018.

True Copy of the Order dated 01.08.2018 passed by the Hon'ble High Court of Delhi at New Delhi in B.A. No. 1316 of 2018 titled "*P. Chidambaram v. CBI*" is annexed hereto as **ANNEXURE 'P-**

**10'**. (At Page 146)

03.08.2018 Respondent's SLP against the grant of bail to the Petitioner's son, being SLP (Crl.) No. 5449/2018 was dismissed by this Hon'ble Court.

True Copy of the Order dated 03.08.2018 passed by this Hon'ble High Court of Delhi at New Delhi in SLP (Crl.) No. 5449/2018 is annexed hereto as **ANNEXURE 'P-11'** (At Pages 147 to 148)

28.09.2018- The interim protection granted to the  
24.01.2019 Petitioner by the High Court was extended from time to time on 28.09.2018, 25.10.2018, 29.11.2018, 15.01.2019 and 24.01.2019.

A true Copy of the Order dated 28.09.2018 passed by the Hon'ble High Court of Delhi at New Delhi in B.A. No. 1316 of 2018 titled "*P. Chidambaram v. CBI*" is annexed hereto as **ANNEXURE 'P-12'** (At Page 149)

True Copy of the Order dated 25.10.2018 passed by the Hon'ble High Court of Delhi at New Delhi in B.A. No. 1316 of 2018 titled "*P. Chidambaram v. CBI*" is annexed hereto as **ANNEXURE 'P-13'**. (At page 150)

True Copy of the Order dated 29.11.2018 passed by the Hon'ble High Court of Delhi at New Delhi in B.A. No. 1316 of 2018 titled "*P. Chidambaram v. CBI*" is annexed hereto as **ANNEXURE 'P-14'**. (At Page 151)

True Copy of the Order dated 15.01.2019 passed



by the Hon'ble High Court of Delhi at New Delhi in B.A. No. 1316 of 2018 titled "*P. Chidambaram v. CBI*" is annexed hereto as **ANNEXURE 'P-15'**. (At Page 152)

True Copy of the Order dated 24.01.2019 passed by the Hon'ble High Court of Delhi at New Delhi in B.A. No. 1316 of 2018 titled "*P. Chidambaram v. CBI*" is annexed hereto as **ANNEXURE 'P-16'**. (At Page 153)

25.01.2019 After hearing arguments of both the sides at length in B.A. No. 1316 of 2018, the Hon'ble High Court was pleased to reserve the same for Orders. True copy of the order dated 25.01.2019 passed by the Hon'ble High Court of Delhi at New Delhi in B.A. No.1316 of 2018 is annexed herewith and marked as **ANNEXURE 'P-17'**. (At Page 154 to 155)

28.01.2019 The Petitioner filed his written submissions in B.A. No. 1316 of 2018 before the Hon'ble High Court.

A true Copy of the Written Submissions dated 28.01.2019 filed by the Petitioner before the Hon'ble High Court of Delhi at New Delhi in B.A. No.1316 of 2018 is annexed hereto as **ANNEXURE 'P-18'**. (At pages 156 to 167)

04.02.2019 The Petitioner filed an Application before the

High Court under Section 482 Cr.P.C. being Crl. M.A. 2814 of 2019 in B.A. No. 1316 of 2018, apprising the High Court that the investigation in the case appears to be complete and the CBI has sought sanction to prosecute the Petitioner. The said Application was taken on record by the High Court.

True Copy of the Application dated 04.02.2019 filed by the Petitioner before the Hon'ble High Court of Delhi at New Delhi being Crl. M.A. No. 2814 of 2019 in B.A. No.1316 of 2018 is annexed hereto as **ANNEXURE 'P-19'**. (At **pages 168 to 170**)

06.02.2019 Vide Order dated 06.02.2019, the High Court took on record the documents filed along with the above application Crl. M.A. 2814 of 2019.

True Copy of the Order dated 06.02.2019 passed by the Hon'ble High Court of Delhi at New Delhi in Crl. M.A. 2814 of 2019 in Bail Application No. 1316 of 2018 is annexed hereto as **ANNEXURE 'P-20'**. (At **page 171**)

11.03.2019 The CBI filed an Application to place on record additional submission being Crl. M.A. No. 5267/2019 which were taken on record by the High Court vide Order dated 11.03.2019.

True Copy of the Order dated 11.03.2019 passed by the High Court of Delhi at New Delhi in CrI. M.A. 5267 of 2019 in Bail Application No. 1316 of 2018 is annexed hereto as **ANNEXURE 'P-21'**. (At Pages 172)

20.08.2019 The High Court erroneously dismissed the Petitioner's bail application. (Impugned order). The Petitioner sought a stay of the impugned Order on the ground that he had been on interim bail for the last 1½ years. The High Court declined the said prayer on the ground that Section 362 Cr.P.C. prohibits the Court to alter/modify or put under cloud the judgement/order after it has been signed and pronounced. True Copy of the separate Order dated 20.08.2019 passed by the Hon'ble High Court of Delhi at New Delhi in Bail Application No. 1316 of 2018 is annexed hereto as **ANNEXURE 'P-22'**. (At pages 173 to 174)

21.08.2019 Hence the present Special Leave Petition.

**IN THE SUPREME COURT OF INDIA**  
[S.C.R., ORDER XXII RULE 2(1)]

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION  
(Under Article 136 of the Constitution of India)

**Special Leave Petition (CRL.) NO. \_\_\_\_ OF 2019**

(ARISING OUT OF THE JUDGMENT AND FINAL ORDER DATED 29.08.2019 PASSED BY THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI IN BAIL APPLICATION NO. 1316 OF 2018)

**[WITH PRAYER FOR INTERIM RELIEF)**

**IN THE MATTER OF:-** \_\_\_\_\_ POSITION OF THE PARTIES

	<b>Before High Court</b>	<b>Before this Court</b>
Sh. P. Chidambaram S/o Late Shri Palaniappan R/o 115-A, Jorbagh, New Delhi-110003	Petitioner	Petitioner

**VERSUS**

Central Bureau of Investigation 1 <sup>st</sup> Floor, Plot No 5-B, CGO Complex, Lodhi Road, New Delhi-110003 Through the Director	Respondent	Contesting Responden t
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TO

THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS OTHER COMPANIONS JUDGES OF  
THIS HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE  
PETITIONER ABOVE NAMED:-

**MOST RESPECTFULLY SHOWETH AS UNDER:-**

1. The Petitioner is filing the present Petition for Special Leave to Appeal under Article 136 of the Constitution of India against the impugned judgment and final order dated 20.08.2019 passed by the Hon'ble High Court of Delhi at New Delhi in Bail Application No. 1316 of 2018, whereby the Hon'ble High Court has declined to grant anticipatory bail to the Petitioner and dismissed the Bail Application filed by the Petitioner under Section 438 Cr.P.C. in relation to the FIR dated 15-5-2017 registered by the Respondent against four companies, Karti Chidambaram (the Petitioner's son) and 'unknown officials of the Ministry of Finance' u/s Section 120-B r/w Section 420 IPC and Sections 8, 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act.

2. **QUESTIONS OF LAW:**

The following questions of law arise for the consideration by this Hon'ble Court:-

- i)* Can the High Court deny bail to the Petitioner who was not named in the FIR recorded by the CBI; when there were no allegations against the Petitioner in the body of the FIR; who had joined the investigation and appeared for questioning on the only date he was summoned to appear (6-6-

2018); and when Bail is the rule and none of the circumstances for denying bail laid down in ***Gurbaksh Singh Sibbia 1980 (2) SCC 565 at paras 27, 31*** were attracted in this case?

**ii)** When the Petitioner was not arrested after the recording of the FIR on 15-5-2017 and during the investigation, can the High Court deny bail to the Petitioner after the CBI had concluded its investigation, got its charge sheet ready, submitted the draft charge sheet to the competent authority and sought sanction for prosecution (since the Petitioner was the former Minister of Finance and currently a Member of the Rajya Sabha) and therefore, is the order of the High Court not contrary to binding judgments of the High Court, Delhi reported in ***109 (2003) DLT 494 at para 26 and 243 (2017) DLT 373 (DB) at para 6?***

**iii)** Did the High Court err in law in not appreciating that none of the provisions of law (containing the offences alleged in the FIR) would be attracted or apply in the case of the Petitioner?

**iv)** Was the High Court justified in law in denying bail on the allegation of the Respondent-CBI that some answers given by the Petitioner during the

questioning were “evasive” and hence custodial interrogation was necessary?

- v)** Did the High Court err in law in accepting the specious and alarming plea of the Respondent-CBI that “custodial interrogation was quantitatively different” and it was necessary in the present case?
- vi)** Did the High Court err in law by relying on the case diary (contrary to Section 172 Cr P C) and the selected questions and answers alleged to have been put to and answered by the Petitioner herein during his questioning by the CBI (contrary to Section 161 Cr. P. C.)?
- vii)** When the draft charge sheet of the Respondent-CBI had formally made the Petitioner an accused person, was the High Court justified in law to require the Petitioner to answer questions in custody when, under the law, the Petitioner is entitled to remain silent?
- viii)** Was the High Court justified in denying bail to the Petitioner when all other persons named in the FIR had been granted bail (regular, anticipatory or statutory)?

*ix)* Did the High Court err in law in not appreciating that the only motive of the Respondent-CBI was to humiliate and injure the reputation of the Petitioner who was a vocal and strident critic of the government?

*x)* Did the High Court err in law in not taking into account the impeccable credentials of the Petitioner who had never been accused of an offence; who was not likely to flee justice; and who had not been accused of tampering with the evidence or the witnesses?

3. **DECLARATIONS IN TERMS OF RULE 2(2) :**

The Petitioner states that no other petition seeking leave to appeal under Article 136 of the Constitution of India has been filed by him against the impugned judgment and final order dated 20.08.2019 passed by the Hon'ble High Court of Delhi at New Delhi in Bail Application No. 1316 of 2018.

7) **DECLARATION IN TERMS OF RULE 4:**

The Annexure P-1 to Annexure P-22 produced along with the Special Leave Petition are the copies of the pleadings/ documents which formed part of the



records in the High Court against whose order the leave to appeal is sought for in this Petition.

7) **GROUNDS :**

The Petitioner prefers this petition under Article 136 of the Constitution of India for Special Leave to appeal from the impugned judgment and final order dated 20.08.2019 passed by the Hon'ble High Court of Delhi in Bail Application No. 1316/2018 on the following amongst other grounds, taken without prejudice to each other:

- A) BECAUSE the Hon'ble High Court failed to appreciate that INX Media sought approval for FDI in a proposed TV channel up to 46.216 per cent of the issued equity capital. The policy allowed investment up to 74 per cent of the equity. FIPB Unit examined the proposal, found it to be in order and submitted the case to the FIPB. FIPB consisted of 6 Secretaries to the Government of India and was chaired by the Secretary, Economic Affairs. FIPB unanimously recommended the proposal and placed it before the Finance Minister for his approval, along with several other proposals.
- B) BECAUSE the Hon'ble High Court failed to appreciate that in May 2007, the Finance Minister (i.e. the

Petitioner herein) granted the approval in the normal course of official business.

- C) BECAUSE the Hon'ble High Court failed to appreciate that ten years later, based on alleged 'oral source information', CBI registered an FIR on 15-5-2017 against four companies, Karti Chidambaram (i.e. the Petitioner's son), "unknown officers/officials of the Ministry of Finance" and other unknown persons under Section 120B r/w Section 420 IPC and Section 8, 13(1)(d) r/w Section 13(2) of the PC Act. The Petitioner was not named as an accused or suspect; there is not even any allegation against the Petitioner in the body of the said FIR. The allegation in the FIR was that INX Media had made downstream investment without obtaining the prior approval of the FIPB and, in order to regularize that investment, had approached the Petitioner's son and made a payment of Rs. 10 lakh (by cheque) to another company allegedly associated with the Petitioner's son. The Petitioner has learnt that it is the case of the said company that it received the payment towards consultancy work and further, the Petitioner's son was never a Shareholder or Director of the said company at any point of time.

- D) BECAUSE the Hon'ble High Court failed to appreciate that it is the case of the Petitioner that the FIR was baseless, politically motivated and an act of vendetta against the Petitioner (and his son) because the Petitioner is a vocal critic and opponent of the present Central Government both inside Parliament and outside. The Petitioner is a sitting Member of the Rajya Sabha.
- E) BECAUSE the Hon'ble High Court failed to appreciate that on 21-1-2019, CBI is learned to have sought sanction to prosecute the Petitioner (this fact has been confirmed by the Learned Solicitor General during the hearing on 25.01.2019). It can therefore be inferred that the CBI has concluded its investigation, prepared the draft charge sheet, and is ready to file the same in the trial court, subject to sanction being granted.
- F) BECAUSE the Hon'ble High Court failed to appreciate that while seeking sanction for prosecution, it is necessary to submit a draft charge-sheet to the sanctioning authority. It has been so held in **CBI Vs. Ashok Kumar Aggarwal**, 2014 (14) SCC 295, para 16.1 which *inter alia*, reads:-

*"The prosecution must send the entire relevant record to the sanctioning authority*

*including the FIR, disclosure statements, statements of witnesses, recovery memos, draft charge-sheet and all other relevant material”*

Once the investigation has been completed without arrest of the Petitioner (and no summons was issued after 6-6-2018), there is no ground for CBI to oppose bail or seek custody.

G) BECAUSE the Hon’ble High Court failed to appreciate that the Petitioner has co-operated in the investigation, appeared for questioning on 6-6-2018, and was ready to appear for further questioning. He was not summoned thereafter. Hence, there was no ground for denying bail at this stage.

H) BECAUSE the Hon’ble High Court failed to appreciate that there is no *prima facie* case against the Petitioner under the four offences mentioned in the FIR. This is explained in the table below:

S. NO.	SECTION	CBI
1.	420, IPC	<ul style="list-style-type: none"><li>Ingredients of Section are not satisfied.</li><li>No one has complained of being cheated by or complained of being induced to deliver any property to any person.</li></ul>
2.	120B, IPC	<ul style="list-style-type: none"><li>Punishment for Part II is only 6 months and the said offence is</li></ul>

		<p>bailable.</p> <ul style="list-style-type: none"> <li>No officer of FIPB has said that the Petitioner or his son or anyone else spoke to them about the INX Media case.</li> </ul>
3.	13(1)(d), PC Act	<ul style="list-style-type: none"> <li>Section repealed and re-enacted w.e.f. 26.07.2018. Hence, no proceeding under repealed section will survive.</li> </ul> <p><b><i>[Refer: Kolhapur Canesugar Works Ltd. v. Union of India, reported in (2000) 2 SCC 536 @ Para 37].</i></b></p>
4.	8, PC Act	<ul style="list-style-type: none"> <li>There is no allegation in the FIR that the Petitioner accepted or agreed to accept any gratification as a motive or reward for inducing any public servant. Hence, <i>prima facie</i>, the accusation under Section 8 PC Act does not apply to the Petitioner.</li> </ul>

l) BECAUSE the Hon'ble High Court failed to appreciate that bail is the rule. The law on granting or denying bail is clear. None of the four circumstances for

seeking custody after denying bail are attracted in this case. [Reliance is placed on the decision of this Hon'ble Court in **Gurbaksh Singh Sibbia Vs. State of Punjab, reported in 1980 (2) SCC 565 @ Para 27 and 31**].

- J) BECAUSE the Hon'ble High Court failed to appreciate that the allegations in the FIR pertain to official acts that were done 11 years ago. All actions are recorded in the files. All files and documents are in the custody of the CBI. There is nothing to be recovered from the Petitioner.
- K) BECAUSE the Hon'ble High Court failed to appreciate that there was no allegation that the Petitioner has tampered with — or will tamper with — the evidence or the witnesses. Since the evidence is documentary in nature and consists of files, which have already been seized/ recovered, there was no question of any tampering by the Petitioner.
- L) BECAUSE the Hon'ble High Court failed to appreciate that by Order dated 23-3-2018, a coordinate bench of the same High Court had granted bail to the Petitioner's son and made several pertinent observations that, *prima facie*, rule out any undue influence or inducement. No public official was named as an accused in the FIR. No public official

stated during investigation that anyone had induced or influenced him. No public official has been arrested in this case by the CBI. In the circumstances, to deny bail to the Petitioner alone is unjust and opposed to all notions of justice.

M) BECAUSE the Hon'ble High Court failed to appreciate that Only three persons were arrested and all of them are on bail. The fourth person who received the sum of Rs. 10 lakhs by cheque from INX Media for doing Consultancy work has obtained anticipatory bail and CBI has not challenged the same.

Name	CBI
Karti P. Chidambaram	Granted regular bail by the Hon'ble High Court <i>vide</i> Order dated 23.03.2018. CBI's appeal (being SLP (Crl.) No. 5449/2018) against the above Order has been <u>dismissed</u> by this Hon'ble Court on 03.08.2018. The observations of this Hon'ble Court that the observations in the High Court order " <i>shall not influence any other proceedings and all other proceedings shall be dealt with on its own merits</i> " obviously applies only to the proceedings against the party or parties to that order. The only party to that order was Karti Chidambaram. Hence the Petitioner herein is entitled to rely on the

	<i>prima facie</i> findings of Hon'ble High Court contained in paragraph 46 to 50 of the Order.
S. Bhaskararaman	Granted anticipatory bail <i>vide</i> Order 04.04.2018 by the Ld. Special Judge.
Indrani Mukherjea	Granted statutory bail <i>vide</i> Order dated 13.04.2018 by the Ld. Special Judge.
Peter Mukherjea	Granted statutory bail <i>vide</i> Order dated 28.05.2018 by the Ld. Special Judge.

- N) BECAUSE the finding of the Ld. Judge that *prima facie* it appears that Rs. 3 Crores has come into the account of M/s Advantage Strategic Consulting Private Limited is attributed to two companies M/s Span Fibres and Satyam Fibres. It was nobody's case that either M/s Span Fibres or M/s Satyam Fibres had any connection with M/s INX Media and this point was not even argued before the Ld. Judge.
- O) BECAUSE the further observations regarding GIC, Vasan Healthcare, R. Joseph Kennedy of Blue Bugs, Ausbridge Holding and Investments Private Limited, ACS Health, Artevea Digital Limited, Sequoia are completely irrelevant because it was nobody's case



that any of these entities (all private entities) had anything to do with INX Media. None of these entities were even referred to in the arguments before the Ld. Judge. At the end of the arguments the Respondent handed over a note titled "*Grounds of opposing anticipatory bail application in respect of Shri P. Chidambaram*". The impugned Order of the Ld. Judge from Paragraph 12 to 20 is a cut and paste of the note without a shred of evidence produced by the Respondent to show that these transactions had anything to do with INX Media or the approvals had obtained in 2007-08.

- P) BECAUSE the Ld. Judge completely ignored the fact that the bail application that was being considered was that of the Petitioner and not of Karti Chidambaram. There is no reference in the aforesaid paragraphs 12 to 20 to the Petitioner and therefore, it is manifestly unjust and illegal to deny bail to the Petitioner on the basis of the aforesaid unverified statements which are cut and pasted from the note handed over by the Respondent after the arguments were over.
- Q) BECAUSE the Ld. Judge failed to take into account the fact that Karti Chidambaram had been granted bail in the CBI's case by the High Court vide Order

dated 23.03.2018 and the said Order has been confirmed by this Hon'ble Court *vide* Order dated 03.08.2018. The Ld. Judge also failed to take into account the fact that Karti Chidambaram had been granted interim protection by the High Court *vide* Order dated 09.03.2018 in the ED's case and the said interim protection had been continued by this Hon'ble Court from time to time. If Karti Chidambaram and the other three persons have been granted either bail or interim protection, it is manifestly unjust and illegal to deny bail to the Petitioner who has not even been remotely associated with anything which has been referred to by the Ld. Judge in the impugned order.

- R) BECAUSE the Ld. Judge's observation that the Petitioner is the king pin i.e. the key conspirator in this case is completely baseless and supported by no material whatsoever. The Ld. Judge has ignored the crucial fact that the Petitioner simply approved the unanimous recommendation of the FIPB which was chaired by Secretary, Economic Affairs and consisted of five other Secretaries to the Government of India.
- S) BECAUSE the observations of the Ld. Judge that the magnitude of the case justifies denial of bail is

manifestly illegal and unjust. Approval was granted for an original investment and the downstream investment. Both investment proposals were examined and processed in the normal course and placed before the FIPB. It was FIPB which recommended grant of approval and the Petitioner simply approved the recommendation. None of the FIPB members have been attempted to be arrested. The statements of FIPB members have been referred to in the judgment dated 23.03.2018 of Hon'ble Mr. Justice Garg in the case titled '*Karti Chidambaram vs. CBI*'. Mr. Justice Garg had categorically found that FIPB members had stated that they did not know Karti Chidambaram and no one including Karti Chidambaram had attempted to influence them. The judgment of Mr. Justice Garg was affirmed by this Hon'ble Court *vide* Order dated 03.08.2018 in SLP (Cri.) No. 5449/2018. In the background of these facts it is legally untenable to hold that a crime of grave magnitude has been committed and the king pin was the Petitioner.

- T) BECAUSE the reliance placed by the Ld. Judge in the case of *Y.S. Jagan Mohan Reddy v. CBI, reported in (2013) 7 SCC 439* and *Rohit Tandon v. Directorate of Enforcement, reported in (2018) 11 SCC 46* are

completely misplaced. In both those cases the material directly pointed to the involvement of the said persons; they were denied bail in the first instance; but subsequently they were granted bail. In the present case, there is no material which points to the Petitioner or to any involvement of the Petitioner in any of the transactions contained in the Note titled "*Grounds of opposing anticipatory bail application in respect of Shri P. Chidambaram*" given by the Respondent/ ED to the Hon'ble Court after the arguments were over and which have been virtually reproduced by the Ld. Judge in the impugned judgment.

- U) BECAUSE the observation of the Ld. Judge that the Petitioner was evasive during the questioning is totally baseless and supported by no material whatsoever. During the hearing before the Ld. Judge, Petitioner's Counsel asked for the production of the questions and answers and asserted that every questions had been answered. Reliance was also placed on the judgment of this Hon'ble Court in *Santosh Dwarkadas Fafat Vs. State of Maharashtra reported in (2017) 9 SCC 714 at Para 6* where this Hon'ble Court has held that cooperation in an

investigation does not amount to confessing to the crime.

- V) BECAUSE the Ld. Judge ignored the fact that the investigation has been completed by the Respondent/ CBI and, admittedly, sanction for prosecution had been sought by the Respondent/ CBI. This fact was referred to in the Application No. Crl. M.A. 2814 of 2019 in B.A. No. 1316 of 2018 filed on 04.02.2019 after the hearing before the Ld. Judge was concluded on 25.01.2019. The Application was taken on record by order dated 06.02.2019. If investigation has been completed and sanction has been sought, there is no justification to deny pre-arrest bail to the Petitioner.
- W) BECAUSE the finding of the Ld. Judge that grant of pre-arrest bail on the ground that investigation is complete and charge sheet is being filed would defeat the ends of justice is contrary to the binding judgment of the Delhi High Court in three decisions, namely (i) '*Court on its Own Motion Vs. Central Bureau of Investigation*', reported in (2003) 109 DLT 494 @ Para 26(v), (ii) '*Court on its Own Motion Vs. State*, reported in (2017) 243 DLT 373 (@ Para 6)', and (iii) '*Court on its Own Motion Vs. State*', Crl. Ref. No. 1/2018. (@ Para 37).

X) BECAUSE the Hon'ble High Court failed to appreciate that all the factors mentioned in Section 438 Cr.P.C. are, in this case, in favour of the Petitioner in support of granting bail. The antecedents of the Petitioner are impeccable. He has never been an accused of any offence. He is a sitting Member of the Rajya Sabha. There is no possibility of his fleeing from justice. Further, it is the case of the Petitioner that despite having cooperated fully with the investigation the object of seeking his arrest is only to humiliate him and injure his reputation. [Reliance is placed on the decision of this Hon'ble Court in **Bhadresh Bipinbhai Sheth v. State of Gujarat, (2016) 1 SCC 152, @ Paras 22, 23, 25.3, 25.4 & 25.10**]

6. **GROUND FOR INTERIM RELIEF:**

a) Petitioner states that the Petitioner has set out all the relevant facts in detail in the accompanying List of Dates and the Petitioner craves leave of this Hon'ble Court to refer to and rely upon the same as if incorporated herein verbatim for the sake of brevity. The Petitioner submits that the Petitioner has good case on merits and is likely to succeed before this Hon'ble Court. The Petitioner states that the Petitioner has made out a *prima facie* case on

merits and the balance of convenience is also in favour of the Petitioner. Therefore, it is desirable in the interest of justice that during the pendency of the proceedings before this Hon'ble Court, the interim relief as prayed for herein be granted or else the Petitioner shall suffer irreparable loss.

- b) That the Petitioner is law abiding citizen and has reputation to sustain in the society. He is a sitting Member of the Rajya Sabha. The antecedents of the Petitioner are impeccable. He has never been an accused of any offence. There is no possibility of his fleeing from justice. Personal interrogation at the instance of the CBI can certainly be done by securing Petitioner's presence before the concerned authorities on given dates and times, but custodial interrogation is not at all warranted so as to protect petitioner's fundamental right under Article 14, 19 (1) (d) & 21 of Constitution of India.

**7. MAIN PRAYER**

The Petitioner therefore, prays that in the interest of justice and equity, this Hon'ble Court be pleased to:-

- A) Grant Special Leave to Appeal under Article 136 of the Constitution of India against the impugned judgment and final order dated 20.08.2019 passed by the Hon'ble High Court of Delhi at New Delhi in Bail Application No. 1316 of 2018;

B) Pass any other order and/or directions as this Hon'ble Court may deem fit and proper.

**8. PRAYER FOR INTERIM RELIEF:**

During the pendency and final disposal of present Special Leave Petition, Your Lordships will be pleased to:-

- A) Grant interim bail to the Petitioner in FIR bearing No. RC-2202017-E-0011 dated 15.05.2017 under Sections 120-B read with 420 of the Indian Penal Code, 1860 and Section 8 and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 registered by the Central Bureau of Investigation;
- B) Pass any other order and/or direction as this Hon'ble Court may deem fit and proper.

AND FOR THIS ACT OF KINDNESS AND JUSTICE, PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

**DRAWN BY**

**FILED BY:**

**(ARSHDEEP SINGH &  
AKSHAT GUPTA)**  
Advocate

**(Ms. SHALLY BHASIN)**  
Advocate for the  
Petitioner

DRAWN ON: 20.08.2019  
FILED ON: 21.08.2019  
PLACE: NEW DELHI



**IN THE SUPREME COURT OF INDIA**

Criminal Appellate Jurisdiction

Special Leave Petition (CRL.) NO. OF 2019

**IN THE MATTER OF:-**

Shri P. Chidambaram

...Petitioner

Versus

Central Bureau of Investigation

...Respondent

**CERTIFICATE**

“Certified that the Special Leave Petition is confined only to the pleadings before the High Court whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents or grounds have been taken herein or relied upon in the Special Leave Petition. It is further certified that the copies of the annexures/documents attached to the Special Leave Petition are necessary to answer the question of law raised in the petition or to make out grounds urged in the Special Leave Petition for consideration of this Hon’ble Court. This certificate is given on the basis of instructions given by the Petitioners/person authorized by the Petitioners whose affidavit is filed in support of the Special Leave Petition.”

FILED BY:

**(SHALLY BHASIN)**  
ADVOCATE FOR THE PETITIONER

Filed on: 21.08.2019  
New Delhi

**APPENDIX-1**

INDIAN PENAL CODE, 1860

Section 120B. Punishment of criminal conspiracy.—(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, 2\*[imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence. (2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.]

Section 420. Cheating and dishonestly inducing delivery of property.—Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**APPENDIX-2**

PREVENTION OF CORRUPTION ACT, 1988

Section 8. Taking gratification, in order, by corrupt or illegal means, to influence public servant---Whoever accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant, whether named or otherwise, to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause I of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

Section 13. Criminal misconduct by a public servant----(1) A public servant is said to commit the offence of criminal misconduct,-

(a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any

other person any gratification other than legal remuneration as a motive or reward such as is mentioned in section 7; or

- (b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or
- I if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do; or
- (d) if he,-
  - (i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or
  - (ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or

- (iii) while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest; or
- (e) if he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.

Explanation.-For the purposes of this section, "known sources of income" means income received from any lawful source and such receipt has been intimated in accordance with the provisions of any law, rules or orders for the time being applicable to a public servant.

- (2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to seven years and shall also be liable to fine.
-

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

CRL.M.P. NO. \_\_\_\_\_ OF 2019

IN

Special Leave Petition (CRL.) NO. \_\_\_\_\_ OF 2019

**IN THE MATTER OF:**

Shri P. Chidambaram ...Petitioner

Versus

Central Bureau of Investigation ...Respondent

**APPLICATION FOR EXEMPTION FROM FILING  
CERTIFIED COPY OF THE IMPUGNED ORDER**

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUSTICES OF  
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE  
PETITIONER ABOVE NAMED:-

**MOST RESPECTFULLY SHOWETH**

- 7) That the Petitioner above named is filing the present Special Leave Petition against the impugned Judgment and Final Order dated 20.08.2019 passed by the Hon'ble High Court of Delhi in Bail Application No. 1316 of 2018.
2. That the facts and circumstances giving rise to the present Application are narrated in the accompanying petition for Special Leave to Appeal and the same are not reiterated herein for the sake of brevity. The Petitioner craves leave of this

Hon'ble Court to refer to and rely upon the accompanying Special Leave Petition at the time of hearing of the present Application.

3. That the impugned judgment and order has been passed on 20.08.2019. Since the Special Leave Petition had to be filed urgently for seeking immediate interim relief from this Hon'ble Court, the Petitioner could not get either the certified copy of the impugned order. The Petitioner states that the Hon'ble High Court of Delhi has not been able to deliver the copy of the impugned judgment and order so far and the Petitioner has taken all steps which are required to be taken by him.
4. That the present application is bonafide and in the interest of justice.

**PRAYER**

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- a) exempt the Petitioner from filing certified copy of the impugned Judgment and Final Order dated 20.08.2019 passed by the Hon'ble High Court of Delhi in Bail Application No. 1316 of 2018; and
- b) Pass such other and further orders as may deem fit and proper in the facts and circumstance of the present case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN  
DUTY BOUND SHALL EVER PRAY.

FILED BY:

**(Ms. SHALLY BHASIN)**  
ADVOCATE FOR THE PETITIONER

New Delhi  
Filed on: 21.08.2019



**BEFORE THE HON'BLE HIGH COURT OF DELHI AT NEW  
DELHI**

Bail Application No. 1316 of 2018

**MEMO OF PARTIES**

Sh. P. Chidambaram  
S/o Late Shri Palaniappan  
R/o 115-A, Jorbagh,  
New Delhi-110003

Petitioner

**VERSUS**

Central Bureau of Investigation  
Anti Corruption Branch,  
1<sup>st</sup> Floor, Plot No. 5-B, CGO Complex  
Lodhi Road, New Delhi  
Through its Director

Respondent

**FIR DETAILS**

1.	Diary No.	:	
2.	Date of Lodgment of FIR/ Complaint	:	15.05.2017
3.	Date of Occurrence	:	During 2007-2008
4.	Police Station address with State	:	CBI, CGO Complex, New Delhi
5.	Date of filing of charge sheet/challan	:	Draft Charge Sheet sent to the competent authority for seeking sanction for prosecution of the Petitioner
6.	Whether tried by the Court of Magistrate	:	N.A.
7.	Whether tried by the Court of Sessions	:	Yes

Filed by

Ms. Shally Bhasin  
Advocate for the Petitioner

Filed on : .08.2019

**FIR DETAILS**

1.	Diary No.	:	
2.	Date of Lodgment of FIR/ Complaint	:	15.05.2017
3.	Date of Occurrence	:	During 2007-2008
4.	Police Station address with State	:	CBI, CGO Complex, New Delhi
5.	Date of filing of charge sheet/challan	:	N.A.
6.	Whether tried by the Court of Magistrate	:	N.A.
7.	Whether tried by the Court of Sessions	:	Yes

Filed by

Ms. Shally Bhasin  
Advocate for the Petitioner

Filed on : .08.2019

**IN THE SUPREME COURT OF INDIA**

**CRIMINAL APPELLATE JURISDICTION**

Special Leave Petition (CRL.) NO. \_\_\_\_\_ OF 2019

**IN THE MATTER OF:**

Shri P. Chidambaram ...Petitioner

Versus

Central Bureau of Investigation ...Respondent

**AFFIDAVIT OF URGENCY**

I, P. Chidambaram S/o Late Shri Palaniappan aged about 73 years R/o 115-A, Jorbagh, New Delhi-110003, do hereby solemnly affirm and declare as under:-

1. That the deponent is sole petitioner in the present SLP and is well conversant with the facts of the present case hence competent to swear the present Affidavit.
2. That the present petition is filed by the petitioner challenging the impugned Judgment and Final Order dated 20.08.2019 passed by the Hon'ble High Court of Delhi in Bail Application No. 1316 of 2018.
3. That the Bail Application filed by the Petitioner before the Hon'ble High Court has been dismissed by the Hon'ble High Court vide the impugned order. The Petitioner has every apprehension of his arrest therefore is approaching this Hon'ble Court for grant of pre-arrest bail. That if the present SLP is not taken up on urgent basis then the sole purpose of filing the present SLP will become infructuous. Therefore, it is

desirable in the interest of justice that during the pendency of the proceedings before this Hon'ble Court, the interim relief as prayed for herein be granted or else the Petitioner shall suffer irreparable loss.

4. In view of the above there is extreme urgency in the present SLP, therefore it is in the interest of justice that the present SLP be listed on urgent basis.
5. That the contents of the present Affidavit are true and correct to the best of my knowledge and belief.

**DEPONENT**

**VERIFICATION**

I, the deponent above named do hereby verify that the contents of Paras 1 to 5 of the present affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Verified at new Delhi on this 21<sup>st</sup> day of August, 2019

**DEPONENT**

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

Special Leave Petition (CRL.) NO. \_\_\_\_\_ OF 2019

**IN THE MATTER OF:**

Shri P. Chidambaram ...Petitioner

Versus

Central Bureau of Investigation ...Respondent

**AFFIDAVIT OF URGENCY**

I, P. Chidambaram S/o Late Shri Palaniappan aged about 73 years R/o 115-A, Jorbagh, New Delhi-110003, do hereby solemnly affirm and declare as under:-

1. That the deponent is sole petitioner in the present SLP and is well conversant with the facts of the present case hence competent to swear the present Affidavit.
2. That I state that the contents of the accompanying Special Leave Petition comprising of the List of Dates and events from pages B to ..... , the Special Leave Petition Para 1 to 8 at pages to and the accompanying Crl.M.Ps., have been drafted under my instructions are true and correct to the best of my knowledge and belief.
3. That the annexures annexed with the present SLP are true copies of their respective originals.

**DEPONENT**

**VERIFICATION**

I, the deponent above named do hereby verify that the contents of Paras 1 to 3 of the present affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Verified at new Delhi on this 21<sup>st</sup> day of August, 2019

**DEPONENT**



**MS.SHALLY BHASIN**

Advocate-On-Record

34, Babar Lane, First Floor, Bengali Market, New Delhi-110001 (M):  
09811106073 Email:shally@aglaw.in

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Date: 21.08.2019

**To,**

The Registrar  
Supreme Court of India  
New Delhi

**Sub: Letter of Urgency**

**Ref: SLP (Crl) Diary No. of 2019**

Shri P. Chidambaram

Versus

Central Bureau of Investigation

Dear Sir,

The petitioner is filing the present petition challenging the impugned Judgment and Final Order dated 20.08.2019 passed by the Hon'ble High Court of Delhi in Bail Application No. 1316 of 2018. The Bail Application filed by the Petitioner before the Hon'ble High Court has been dismissed by the Hon'ble High Court vide the impugned order. The Petitioner has every apprehension of his arrest and his liberty being curtailed by the Respondent agencies and therefore is approaching this Hon'ble Court for grant of pre-arrest bail. That if the present SLP is not listed and heard on urgent basis then the purpose of filing the present SLP is likely to become infructuous. Therefore, it is in the interest of justice that during the pendency of the proceedings before this Hon'ble Court, the interim relief as prayed for herein be granted or else the Petitioner shall suffer irreparable loss.

In view of the above there is extreme urgency in the present SLP, therefore it is in the interest of justice that the present SLP be listed for urgent hearing at the earliest convenience of this Hon'ble Court.

Thanking you

Yours sincerely

Ms. Shally Bhasin  
Advocate for the Petitioner

<b>PROFORMA FOR FIRST LISTING</b>		
The case pertains to (please tick/check the correct box)		
	Central Act: (Title)	Indian Penal Code Prevention of Corruption Act, 1988
	Section:	Sections 120-B, 420 IPC Sections 8, 13(2), 13(1)(d))
	Central Rule: (Title)	NA
	Rule No (S)	NA
	State Act: (Title)	N.A.
	Section:	N.A.
	State Rule: (Title)	NA
	Rule No(s)	NA
	Impugned final order: (Date)	20.08.2019
	Impugned Final Order/Decree: (Date)	Final Order
	High Court: (name)	Hon'ble Mr. Justice Sunil Gaur Hon'ble High Court of Delhi at New Delhi
	Names of Judges:	
	Tribunal/Authority (Name)	N.A.
1.	Nature of matter	Criminal
2 (a)	Petitioners/appellant No.1:	P. Chidambaram
(b)	e-mail ID:	N.A.
(C)	Mobile Phone Number:	N.A.
3 (a)	Respondent No.1:	Central Bureau of Investigation
(b)	E mail ID:	N.A.
(c)	Mobile Phone Number:	N.A.
4.(a)	Main Category classification:	14
(b)	Sub Classification:	1407
5.	Note to be listed before:	N.A.
6.	(a) Similar disposed of matter with citation, if any & case	

	details : SLP(CRL.) No. 5449 / 2018	
	b) Similar pending matter with case details : N.A.	
7.	Criminal matters	
(a)	Whether accused/convict has surrendered	N.A.
(b)	F.I.R. No.	RC-2202017-E09911 dated 15.05.2017
(c).	Police Station: EOU.IV/EO-II, CBI, New Delhi	
(d)	Sentence awarded:	
(e)	Sentence Undergone	N.A.
8.	Land Acquisition Matters:	N.A.
(a)	Date of Section 4 Notification:	N.A.
(b)	Date of Section 6 Notification:	N.A.
(c)	Date of Section 17 notification:	N.A.
9.	Tax Matters: State the tax effect:	N.A.
10.	Special Category (First Petitioners/ appellants only)	N.A.
	Senior Citizen SC/ST Woman/child Disable Legal	
	Aid Case in custody	N.A.
11.	Vehicle number (in case of Motor Accident Claim matters:	N.A.
NEW DELHI DATE: 21.08.2019		AOR for Petitioner (Ms. Shally Bhasin) Code No. 1448 e-mail <a href="mailto:shally@aglaw.in">shally@aglaw.in</a> (M): 09811106073