

ITEM NO.13 Court 6 (Video Conferencing) 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 (Cr1.) No(s). 7507/2021

(Arising out of impugned final judgment and order dated 28-09-2021 in CRMA No. 3326/2021 passed by the High Court Of Judicature At Bombay)

ROSHINI KAPOOR

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.126320/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(Cr1) No. 7515/2021 (II-A)

(FOR ADMISSION and I.R. and IA No.126750/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(Cr1) No. 7513/2021 (II-A)

(FOR ADMISSION and I.R. and IA No.126646/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 07-10-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s)
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Mr. Harish Salve, Sr. Adv.
Mr. Aabad Ponda, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Stuti Gujral, Adv.
Mr. Anshuman Srivastava, Adv.
Mr. Rohan Talwar, Adv.
Ms. Siya Chaudhry, Adv.
Mr. E. C. Agrawala, AOR

13.1, 13.2

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Siddharth Aggarwal, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Stuti Gujral, Adv.
Mr. Anshuman Srivastava, Adv.
Mr. Rohan Talwar, Adv.
Ms. Siya Chaudhry, Adv.
Mr. E.C. Agrawala, AOR

For Respondent(s) Mr. S.V. Raju, Ld. ASG
Ms. Sairica Raju, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Udai Khanna, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Arvind Kumar Sharma, AOR

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

Applications for exemption from filing c/c of the impugned judgment are allowed.

Issue notice which is accepted by leaned counsel for the respondents.

It is pointed out to us that as per the original charge sheet, the accused including petitioner in SLP (Cr1.) No.7507/2021 were sought to be charged under Section 409, IPC (carrying a life sentence), Sections 420 and 120B of the IPC. The said petitioner was granted bail by the Magistrate. In terms of the supplementary charge sheet under Section 468, IPC (carrying seven years sentence) and Section 471, IPC (bailable offence) are added and the petitioners in SLP (Cr1.) No.7515/2021 and SLP (Cr1.) No.7513/2021 were summoned for the first time in the supplementary charge sheet and were granted interim bail. Despite the fact that the supplementary charge sheet adds lesser offences, bail has been denied both by the trial Court and by the High Court vide an elaborate order.

The aforesaid matrix of facts is something over which there is no dispute. Thus, it appears that on account of lesser offences being charged for by the supplementary

charge sheet, bail is sought to be denied even though the petitioners were granted bail earlier when they were charged under Section 409, IPC carrying a life sentence and/or granted interim bail after supplementary charge sheet when they were arrayed as accused for the first time.

Learned Additional Solicitor General submits that he would like to place on record a counter affidavit.

Let counter affidavit be filed within four weeks.

Rejoinder affidavit be filed within two weeks thereafter.

List after six weeks.

In the meantime, the petitioners are granted interim bail with no specific conditions at this stage as the petitioners were granted originally bail/interim bail subject to certain terms and conditions by the trial Court which would naturally equally apply here.

Order out today.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)