

ITEM NO.12+16

COURT NO.6

SECTION II

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

Item No.12

Miscellaneous Application No.1849/2021 in SLP(Cr1) No.5191/2021

SATENDER KUMAR ANTIL

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION & ANR.

Respondent(s)

IA NO.148421/2021- APPLICATION FOR CLARIFICATION OF ORDER DATED
07.10.2021

IA NOS.164370 & 164760/2021- APPLICATIONS FOR INTERVENTION

Item No.16

MISCELLANEOUS APPLICATION Diary No(s). 29164/2021 IN SLP(Cr1) No.
5191/2021

[TO BE TAKEN UP ALONGWITH ITEM NO. 12 I.E. MA 1849/2021 in SLP(Cr1)
No. 5191/2021]

IA No. 154863/2021 - CLARIFICATION/DIRECTION)

Date : 16-12-2021 These applications were called on for hearing
today.

CORAM :

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

For parties:-

Mr. Mahesh Jethmalani, Sr. Adv.
Mr. Ravi Sharma, AOR
Mr. Anjani Kumar Rai, Adv.
Mr. Sandeep Kapoor, Adv.
Mr. Wedo Khalo, Adv.
Ms. Aryan Mangla, Adv.
Mr. Anjani Kumar Rai, Adv.
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Ms. Madhulika Rai Sharma, Adv.

Mr. Sidharth Luthra, Sr. Adv.
Mr. Akbar Siddique, AOR
Mr. Chirag Madan, Adv.
Mr. M. Fareed Siddiqui, Adv.
Mr. Shashank Gaurav, Adv.
Mr. Lakshya Mehta, Adv.
Mr. Hardik Rupal, Adv.
Mr. Rajneesh Chuni, Adv.

Mr. Vikram Choudhri, Sr. Adv.
Mr. Keshavam Choudhri, Adv.
Ms. Anzu. K. Varkey, AOR

Ms. Ria Khanna, Adv.
Mr. Rishi Sehgal, Adv.
Mr. Kapil Dahiya, Adv.

Mr. S.V. Raju, Ld. ASG
Mr. Annam Venkatesh, Adv.
Ms. Priyanka Das, Adv.
Mr. Udai Khanna, Adv.
Mr. Mohammed Akhil, Adv.
Mr. Ritwiz Rishabh, Adv.
Dr. D.V. Rao, Adv.
Mr. Arvind Kumar Sharma, AOR

Intervener Mr. Siddharth Aggarwal, Sr. Adv.
Ms. Stuti Gujral, Adv.
Mr. Sahil Ghai, Adv.
Mr. Abhinav Sekri, Adv.
Mr. Vishwajeet Singh, Adv.
Ms. Rurali Patil, Adv.
Ms. Priyashree Sharma P.H., Adv.
Ms. Rushali Agarwal, Adv.
Mr. Syed Faraz Alam, Adv.
Mr. Kush Chaturvedi, AOR

Intervener Mr. Amit Desai, Sr. Adv.
Mr. S. Mahesh Sahasranaman, Adv.
Mr. Arjun Garg, AOR
Ms. Pooja Kothari, Adv.
Mr. Gopal Krishna Shenoy, Adv.
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.

Mr. E. C. Agrawala, AOR

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

IA NOS.164370 & 164760/2021- APPLICATIONS FOR INTERVENTION

The applications are allowed.

MISCELLANEOUS APPLICATION NO.1849/2021 IN SLP(Cr1) No. 5191/2021 & MISCELLANEOUS APPLICATION Diary No.29164/2021 IN SLP(Cr1) No. 5191/2021

Learned senior counsels for parties state

that they will endeavour to work out some of the fine tuning which is required to give meaning to the intent of our order dated 07.10.2021.

We make it clear that our intent was to ease the process of bail and not to restrict it. The order, in no way, imposes any additional fetters but is in furtherance of the line of judicial thinking to enlarge the scope of bail.

At this stage, suffice for us to say that while referring to category 'C', inadvertently, Section 45 of Prevention of Money laundering Act (PMLA) has been mentioned which has been struck down by this Court. Learned ASG states that an amendment was made and that is pending challenge before this Court before a different Bench. That would be a matter to be considered by that Bench.

We are also putting a caution that merely by categorizing certain offences as economic offences which may be non-cognizable, it does not mean that a different meaning is to be given to our order.

We may also clarify that if during the course of investigation, there has been no cause to arrest the accused, merely because a charge sheet is filed, would not be an *ipso facto* cause to arrest the petitioner, an aspect in general clarified by us in Criminal Appeal No.838/2021 -

Siddharth v. State of Uttar Pradesh & Anr. dated
16.08.2021.

List on 20.01.2022.

[ASHA SUNDRIYAL]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)