

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.664 OF 2020
(Arising out of SLP (Criminal) No.3645 of 2020)

SURINDER KUMAR

Appellant

VERSUS

REPUBLIC OF INDIA (CBI)

Respondent

O R D E R

Leave granted.

This appeal arises out of the order dated 08.06.2020 passed by the High Court of Odisha at Cuttack in BLAPL No.7053 of 2019.

In S.P.E. Case No.36 of 2014 pending on the file of the Special CJM, CBI, Bhubaneswar, the appellant is arrayed as accused no.8. According to the charge-sheet, the funds amounting to Rs.788,21,28,268/- were accepted by way of deposits by certain companies cheating poor and gullible investors and that the accused committed the offences punishable under Sections 120-B, 420 and 409 IPC as well as under Sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

The charge-sheet gave details about the amounts misappropriated by some of the accused. The Tabular Chart which is part of paragraph 16.21 of the charge-sheet gave details about misappropriated sum amounting to Rs.16,80,64,453/-. The name of the appellant did not figure in said Chart.

It is submitted that the appellant was an employee in one of the companies.

However, in the counter affidavit filed in the present appeal, an assertion has now been made that the investigation made so far has revealed that an amount of Rs.4,00,000/- (Rupees four lakhs only) was misappropriated by the appellant.

Even if the assertion so made in the counter affidavit is accepted, the fact remains that the appellant has been in custody for the last 17 months.

Considering the entirety of the matter, in our view, the appellant is entitled to the relief under Section 439 of the Code of Criminal Procedure, 1973.

We accordingly direct that the appellant shall be produced before the Trial Court within three days from today and the Trial Court shall release him on bail, subject to such conditions as the Trial Court may deem appropriate to impose to ensure the presence and participation of the

appellant in the pending trial.

The appeal is allowed in aforesaid terms.

.....J.
[UDAY UMESH LALIT]

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
OCTOBER 08, 2020.

