

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

Criminal Appeal No 851 of 2020
(Arising out of SLP (Crl) No 4903 of 2020)

**Raja Ram Joshi @ Rajendra Prasad Sharma
@ Rajkumar Sharma @ Raju @ Rajkumar Joshi
@ Raja Ram Sharma**

Appellant(s)

Versus

Union of India

Respondent(s)

ORDER

- 1 Leave granted.
- 2 The appellant has been denied bail by the order of the Jharkhand High Court dated 6 March 2020. A first information report bearing RC Case No 45(A)/1996-PAT(S) was registered against the appellant for alleged offences under Sections 109, 120B, 409, 467, 468, 471, 473, 474 and 477A of the Indian Penal Code and Sections 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act. The allegation against the appellant is that he received an amount of Rs 47.73 lakhs during the period 1992-1993 for purported transportation of yellow maize from the AHD units of Ranchi and Chaibasa to the AHD units of Dumka. It has been alleged that the appellant raised fake bills for transportation of the feed.

- 2 Mr Pawan Kumar Sharma, learned counsel appearing on behalf of the appellant submits that the finding of the High Court that the appellant was absconding for a period of two decades is incorrect for the following reasons:
- (i) The appellant has been convicted in RC Case Nos 38(A)/1996 and 64(A)/1996 and sentenced to imprisonment for three and a half years;
 - (ii) On 12 October 2018, the sentence of the appellant was suspended by the High Court and he was enlarged on bail;
 - (iii) The charge sheet in RC Case No 45(A)/1996-PAT(S) was filed on 10 October 2001 and the appellant was arrested on 11 October 2018. He is in custody for about two years and two months. Charges are still to be framed.
- 3 Opposing the grant of bail, Mr S V Raju, learned Additional Solicitor General appearing on behalf of CBI with Ms Neela Gokhale, learned counsel submits that the appellant was enlarged on bail in the two other cases having due regard to the sentence which has been undergone. He urged that having regard to the fact that the allegations against the appellant are of raising fake bills for the transportation of yellow maize, it would not be appropriate to grant him benefit of the bail.
- 4 The Court has been apprised of the fact that in the two other cases, though the appellant was enlarged on bail, he was unable to pay the fine of Rs 1 lakh, as a result of which, he had to suffer an additional period of five months in custody and, eventually, the amount was reduced to Rs 25,000.

- 5 Having regard to the fact that the appellant has already been in custody for over two years in connection with RC Case No 45(A)/1996-PAT(S), we are of the view that his continued detention in custody is not required. The charge-sheet has been filed, though the charges are yet to be framed. In the facts and circumstances of the case, we accordingly order and direct that the appellant shall be released on bail in connection with RC Case No 45(A)/1996-PAT(S), subject to such terms and conditions as may be imposed by the trial court.
- 6 The appeal is accordingly disposed of.
- 7 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[M R Shah]

New Delhi;
December 11, 2020
CKB

ITEM NO.21

Court 3 (Video Conferencing)

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No.4903/2020

(Arising out of impugned final judgment and order dated 06-03-2020 in BA No. 1558/2020 passed by the High Court of Jharkhand at Ranchi)

RAJA RAM JOSHI @ RAJENDRA PRASAD
SHARMA @ RAJKUMAR SHARMA @ RAJU
@ RAJKUMAR JOSHI @ RAJA RAM SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln.(s) for I.R. and IA No.103303/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.103304/2020-EXEMPTION FROM FILING O.T. and IA No.103305/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 11-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Pawan Kumar Sharma, Adv.
Mr. Himanshu Shekhar, AOR

For Respondent(s) Mr. S.V. Raju, ASG
Mr. Mohammed Akhil, Adv.
Mrs. Sairica Raju, Adv.
Mrs. Neela Khedar Ghokle, Adv.
Mr. Arvind Kumar Sharma, AOR

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

- 1 Leave granted.
- 2 The appeal is disposed of in terms of the signed order.
- 3 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master

(Signed order is placed on the file)