

ITEM NO.57

COURT NO.7

SECTION II-C

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 (CrI.) No(s). 7523/2019

(Arising out of impugned final judgment and order dated 20-08-2019 in BAIL APPLICATION No. 1713/2018 passed by the High Court Of Delhi At New Delhi)

P. CHIDAMBARAM

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT

Respondent(s)

(FOR ADMISSION and Interim Relief and
IA No.126394/2019-EXEMP.FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH
SLP(CrI) No. 7525/2019 (II-C)

P. CHIDAMBARAM

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

Respondent(s)

(FOR ADMISSION and Interim Relief and
IA No.126403/2019-EXEMP.FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 23-08-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s)

Mr. Kapil Sibal, Sr. Adv.
Dr. A.M. Singhvi, Sr. Adv.
Mr. Salman Khurshed, Sr. Adv.
Mr. Vivek Tankha, Sr. Adv.
Mr. Dayan Krishnan, Sr. Adv.
Mr. Mohit Mathur, Sr. Adv.
Mr. Arshdeep Singh, Adv./Mr. Akshat Gupta, Adv.
Mr. Hitesh Rai, Adv./Ms. Madhavi Agrawal, Adv.
Mr. Amit Bhandari, Adv./ Mr. Adit Pujari, Adv.
Mr. Punal Vajani, Adv./Mr. Ayush Agarwal, Adv.
Mr. Prashant Sivarajan, Adv.
Mrs. Shally Bhasin, AOR

For Respondent(s) Mr. Tushar Mehta, SG
 Mr. K.M. Natraj, ASG
 Ms. Sonia Mathur, Sr. Adv.
 Mr. Rajat Nair, Adv./Mr. Zoheb Hossain, Adv.
 Ms. Kanu Aggarwal, Adv./ Mr. Manan Ranjan, Adv.
 Mr. B. Krishna Prasad, AOR
 Mr. Arvind Kumar Sharma, AOR

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

SLP(Cr1.)No.7525 of 2019

By the order of the High Court dated 20.08.2019 the petitioner has been refused anticipatory bail in CBI No.RC220-2017-E-0011 registered under Section 120-B IPC & Section 420 IPC and Sections 8, 13(2) and 13(1)(d) of the Prevention of Corruption Act, 1988 which is the subject matter of challenge in SLP(Cr1.)No.7525 of 2019.

It is submitted at the Bar that in CBI case the petitioner has been arrested and remanded to custody and his custody has been handed over to CBI.

Mr. Tushar Mehta, learned Solicitor General, has submitted that since the petitioner has been arrested in CBI case, SLP(Cr1.)No.7525 of 2019 has become infructuous; whereas Mr. Kapil Sibal and Dr. A.M. Singhvi, learned senior counsel appearing for the petitioner, have raised strong objection to the same by submitting that the petitioner has been denied the opportunity of being heard as against the order refusing anticipatory bail to the petitioner and, therefore, notwithstanding the arrest of the petitioner they would like to make submission in SLP(Cr1.)No.7525 of 2019.

Mr. Kapil Sibal, learned senior counsel appearing for the petitioner, has also submitted that the order passed by the learned CBI Judge handing over the custody of the petitioner to CBI for custodial interrogation is also challenged in SLP(Cr1.)Diary No.30469 of 2019 and requested that the said matter be also listed on 26.08.2019.

Having regard to the submissions made by Mr. Kapil Sibal and Mr. A.M. Singhvi, learned senior counsel, list SLP(Cr1.)No.7525 of 2019 on Monday, the 26th August, 2019. The Registry is also directed to list SLP(Cr1.)Diary No.30469 of 2019 along with SLP(Cr1.)No.7525 of 2019. Arguments in both these matters be advanced on Monday, the 26th August, 2019.

SLP(Cr1.)No.7523 of 2019

Insofar as the Enforcement Directorate case is concerned, by the same impugned order dated 20.08.2019 the High court has refused anticipatory bail to the petitioner in ECIR/07/HIU/2017 which case has been registered by Directorate of Enforcement under the Prevention of Money Laundering Act, 2002 (PMLA).

It has been submitted by Mr. Kapil Sibal, learned senior counsel appearing for the petitioner, that the petitioner had been granted interim protection by the High Court of Delhi vide Order dated 25.07.18 and the same had been extended subsequently and continued upto 20.08.2019 till the petition was disposed of by the High Court. It has also been submitted by Mr. Kapil Sibal that the the petitioner has all along cooperated with the authority in the investigation.

Mr. Tushar Mehta, learned Solicitor General, has raised strong objection for granting any interim protection to the petitioner insofar as the Enforcement Directorate case is concerned. He has submitted that the Directorate of Enforcement has collected innumerable documents/evidence to show that the money has been transferred from one company to another shell company and the petitioner has various properties in India and various other countries in the name of shell companies and that the petitioner has also bank accounts in the banks abroad in the name of shell companies and that custodial interrogation is necessary for unravelling the truth, therefore, Mr. Tushar Mehta has raised strong objection for granting any interim protection to the petitioner.

Considering the submissions made by Mr. Kapil Sibal, learned senior counsel appearing for the petitioner, and by Mr. Tushar Mehta, learned Solicitor General, in our view, having regard to the fact that the petitioner was also granted interim protection on 25.07.2018 and that the co-accused were also granted bail by the High Court, the petitioner is granted interim protection, insofar as the Enforcement Directorate case is concerned i.e. ECIR/07/HIU/2017 till the next date of hearing.

List the matter on Monday, the 26th August, 2019.

The respondent shall file its response by Monday, the 26th August, 2019.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER