

ITEM NO.43

COURT NO.3

SECTION II

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 (CrI.) No(s).9136/2017

(Arising out of impugned final judgment and order dated 06-11-2017 in SBCRMBA No. 12449/2017 passed by the High Court of Judicature for Rajasthan at Jaipur)

MAHESH CHAND SHARMA

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

(WITH IA No.125199/2017-EXEMPTION FROM FILING O.T. and IA No.134934/2017-I/A FOR BAIL)

Date : 29-01-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Gopal Subramaniam, Sr. Adv.  
Ms. Meenakshi Arora, Sr. Adv.  
Dr. Sushil Kumar Gupta, Adv.  
Mr. Ajit Kumar Gupta, Adv.  
Ms. Mridula Ray Bharadwaj, AOR

For Respondent(s) Mr. Shiv Mangal Sharma, AAG  
Mr. Puneet Parihar, Adv.  
Mr. Rohit K. Singh, AOR

Mr. Amit K. Nain, AOR  
Mr. Aditya Jain, Adv.

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

We have heard learned counsel for the parties.

Apart from the present case (being FIR No.394/2013 dated 3<sup>rd</sup> September, 2013), there are nine other cases instituted against the petitioner. Of them, five cases are under the provisions of the Prevention of Corruption

Act, 1988 while four cases are under the provisions of the Indian Penal Code (IPC).

In one of the cases under the Prevention of Corruption Act, 1988, the petitioner was granted bail by this Court on 7<sup>th</sup> May, 2014.

Four other cases in which the FIR was registered in 2014 are still under investigation and it appears that the petitioner has not been arrested in any one of them.

With regard to the four cases under the IPC, a charge sheet has been filed in respect of one of them on 31<sup>st</sup> October, 2012 and in that case the petitioner has been granted bail by the police being a bailable offence.

With regard to the remaining three cases against the petitioner under the IPC, one of them is under investigation while in other two cases the final report has been filed. The petitioner was not arrested in any of these cases.

Insofar as the present case is concerned, the petitioner was arrested on 21<sup>st</sup> August, 2017 and a charge was filed on the same day.

In our opinion, since most of the Prevention of Corruption Act cases against the petitioner are under investigation and he has already been granted bail in at least one of those cases by this Court on 7<sup>th</sup> May, 2014, it would be appropriate if the petitioner is granted bail in respect of FIR No.394/2013 dated 3<sup>rd</sup> September, 2013 in which the charge sheet was filed on 21<sup>st</sup> August, 2017. We

order accordingly.

We leave it open to the trial court to impose such conditions as are necessary. However, we make it clear that the petitioner will not take any adjournment during the course of the trial nor will the petitioner alienate his property.

The petition stands disposed of on the above.

Pending applications are also disposed of.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER