

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1089 OF 2018
[@ SPECIAL LEAVE PETITION (CRL.) NO. 4606 OF 2018]

BHARAT STARS SERVICES PVT LTD.

Appellant (s)

VERSUS

HARSH DEV THAKUR & ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellant has challenged the bail granted to the first respondent. According to the appellant, it is a case involving embezzlement to the tune of Rs.2.78 Crores. The learned counsel has also made several other submissions with regard to the method used for embezzlement and how the money has been transferred in the name of respondent's wife, her brother and her father, who are the co-accused and are absconding.

3. Be that as it may, the fact remains that Respondent No. 1 has been in custody since 10th

November, 2017. Taking note of the fact that the court has framed charges by segregating the co-accused, Respondent No. 1 has been released on bail, subject to deposit of Rs. 50 Lakhs and other conditions.

4. The learned counsel appearing for the State supports the appellant and submits that there is every likelihood that Respondent No. 1 would also abscond as and when he is released on bail.

5. Smt. Anjana Prakash, learned senior counsel appearing for the first respondent, points out that the entire investigation, as far as the first respondent is concerned, is complete, the available properties of the accused and the relatives have been attached and that the Investigating Officer has taken into custody the entire documents pertaining to the case and hence, there is no likelihood of the first respondent tampering with the evidence. It is also submitted that being a case mainly revolving around documentary evidence, there is also no likelihood of influence on the witnesses. Therefore, it is prayed that the impugned order may be sustained. It is also submitted that the first respondent is willing to deposit his passport so as to ensure that he will not flee from the country, in addition to other

conditions that may be imposed by this Court.

6. Having heard the learned counsel on both sides, we are of the view that the condition imposed by the High Court, as per the impugned order, will not be sufficient in the peculiar facts and circumstances of the case. The High Court has directed deposit of Rs.50 Lakhs on the premise that the financial fraud involved in the case is around Rs. 50 Lakhs. Now that it has come out that the fraud is more than Rs.2.75 Crores, we are of the view that some more stringent conditions should be imposed on the first respondent.

7. Accordingly, this appeal is disposed of with the following directions :-

(a) The first respondent shall be released on bail on furnishing security to the satisfaction of the trial court for a further amount of Rs. 75 Lakhs, in addition to Rs. 50 Lakhs deposit, as directed by the High Court.

(b) He shall deposit his passport with the trial court forthwith.

(c) He shall also present himself at the jurisdictional police station once every week.

It is made clear that the above conditions are in addition to the other conditions imposed by the High Court.

8. It will be open to the appellant to approach the trial court for withdrawal of the money, subject to such conditions as may be imposed by the trial court.

.....J.
[KURIAN JOSEPH]

.....J.
[SANJAY KISHAN KAUL]

New Delhi;
August 28, 2018.