

ITEM NO.7

COURT NO.14

SECTION II

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition for Special Leave to Appeal (Cr1.) No. 2682/2022

(Arising out of impugned final judgment and order dated 07-01-2022 in CRMABA No. 108/2021 passed by the High Court of Judicature at Allahabad)

SANJAY TAPRIYA

Petitioner(s)

**VERSUS**

**CENTRAL BUREAU OF INVESTIGATION** Respondent(s)  
(FOR ADMISSION and I.R. and IA No.41824/2022-FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.41825/2022-FOR EXEMPTION FROM FILING O.T.)

Date : 31-03-2022 This petition was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE DINESH MAHESHWARI**  
**HON'BLE MR. JUSTICE ANIRUDDHA BOSE**

For Petitioner(s) Mr. Manish Gutpa, Adv.  
Mr. Neelmani Guha, Adv.  
Ms. Harshal Gupta, Adv.  
Mr. Ankit Acharya, Adv.  
Ms. Pratiksha Sharma, AOR  
Mr. Hetendra Nahata, Adv.  
Mr. Prateek Gupta, Adv.  
Mr. Sanjay Mangal, Adv.

For Respondent(s) Mr. Sanjay Jain, ASG  
Mr. B. K. Satija, Adv.  
Mr. Praneet Pranav, Adv.  
Mr. Apoorv Kurup, Adv.  
Mr. Raghav Sharma, Adv.  
Mr. Aniruddha Purushotham, Adv.  
Mr. Arvind Kumar Sharma, AOR

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

The grievance of the petitioner in this case is that while apprehending arrest in relation to FIR No. RCBD1/2018/E/0002 registered for offences under Sections 409, 420, 120B IPC and 13(2)

and 13(1)(d) of the Prevention of Corruption Act, he has moved an application seeking pre-arrest bail; his application has been admitted by the High Court of Allahabad on 22.02.2021 without interim relief and since then, the matter remains pending with the High Court.

It is submitted that lastly, on 07.01.2022, the petitioner's application for urgent listing was considered by the High court and the application was ordered to be listed after two weeks with previous papers. But, thereafter, the matter has not appeared on the board as yet.

The learned ASG appearing for the respondent submits that the respondent has already filed its counter affidavit before the High Court and even a rejoinder affidavit thereto has also been filed; and there has not been any delay caused by the respondent in consideration of the application moved by the petitioner.

A 3-Judge Bench of this Court, in its order dated 21.02.2022 in Special Leave to Appeal (Criminal) No. 1247 of 2022 in the case of *Rajesh Seth v. State of Chhattisgarh*, while dealing with a similar situation of long and indefinite adjournments in a matter relating to pre-arrest bail, has indicated the desirability of early consideration of the prayers made in the bail application; and while making a request to the learned Single Judge of the High Court to dispose of the pre-arrest bail application expeditiously, has granted interim relief to the petitioner. This Court has observed and ordered as under:

"We are of the considered view that this type of

indefinite adjournment in a matter relating to anticipatory bail, that too after admitting it, is detrimental to the valuable right of a person. We make it clear that we have not adverted to the merits involved in the case since it is premature for us to do so at this stage. However, having noted the manner in which the learned Single Judge has dealt with the matter we find it necessary to emphasize that when a person is before the Court and that too in a matter involving personal liberty, least what is expected is for such a person to be given the result one way or the other, based on the merit of his case and not push him to a position of uncertainty or be condemned without being heard, when it matters.

Hence, we request the learned Single Judge of the High Court to dispose of the anticipatory bail application, pending adjudication before him, on its own merits and in accordance with law, expeditiously and preferably within a period of two weeks from the date of receipt/production of a copy of this order. If the main application cannot be disposed of for any reason, the I.A. for interim relief be considered on its own merits.

Till such time, we grant interim protection from arrest to the petitioner herein. We clarify that this shall however not influence the view to be taken by the Learned Single Judge on merits."

Having regard to circumstances of the present case, we are impelled to adopt the same course as adopted in the case of *Rajesh Seth* (supra).

Needless to reiterate that a proper prioritisation of such bail applications is rather necessary. We say no more.

In the present matter too, with a request to the High Court to take up the pre-arrest bail application of the petitioner for consideration at the earliest and if the same could not be disposed of for any reason, to consider the prayer for interim relief on its own merits, it is provided that until such consideration of the matter by the High Court, no coercive steps shall be taken against the petitioner.

It is made clear that we have not commented on the merits of the case either way and even grant of this interim protection shall not influence the view to be taken by the High Court on the merits of the case.

The petition stands disposed of accordingly.

(NEETA SAPRA)  
COURT MASTER (SH)

(RANJANA SHAILEY)  
COURT MASTER (SH)