

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A. B. A. No. 1562 of 2023

1. Naresh Kumar Chhaparia @ Naresh Chhaparia					
2. Dipak Kumar Chhaparia					
3. Piyush Kumar Chhaparia	...				Petitioners
Versus					
Union of India through CBI	...				Opp. Party

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioners	: Mr. Pandey Neeraj Rai, Advocate Mr. Rohit Ranjan Sinha, Advocate
For the CBI	: Mr. P.A. S. Pati, Sr. Spl. P.P.

Oral Order

02 / Dated : 02.03.2023

It is submitted by learned counsel for the petitioners that the surviving defect has already been removed.

1. Apprehending their arrest, the petitioners named above have moved this Court for grant of privilege of anticipatory bail in connection with RC 05(A)/ 2018-D (RC AC1 2018A 0005) registered under Sections 120B of the Indian Penal Code and Sections 7, 12, 13(2) read with Section 13(1)(d) of Prevention of Corruption Act.

2. It is submitted by learned counsel for the petitioners that earlier A.B.A. No. 3075 of 2022 was rejected by this Court on merit by order dated 29.6.2022 against which SLP (Cr) No. 6550 of 2022 was filed before the Hon'ble Supreme Court which stood withdrawn by order dated 23.09.2022.

3. The instant anticipatory bail application has been renewed principally on the ground that other co-accused namely Binod Kumar Agarwal and Bishal Agarwal, whose anticipatory bail was rejected by the Co-ordinate Bench of this Court, had preferred SLP Nos. 527 of 2023 and 593 of 2023 before the Hon'ble Supreme Court arising out of the same case being RC 05(A)/ 2018-D (RC AC1 2018A 0005), have been admitted to interim bail.

4. The main plea of the petitioners is that the anticipatory bail of these petitioners stand on a better footing than that of two co-accused who have been admitted on interim bail by the Hon'ble Supreme Court who were the Chartered Accountants and against whom there is direct allegation of paying illegal gratification to the principal accused and they were instrumental in getting the accounts of different Income Tax assesseees transferred from Kolkata to Ranchi.

5. Another point for renewal of the anticipatory bail application is the

completion of investigation which has also been considered by Hon'ble Supreme Court while granting interim bail.

6. Lastly it is submitted that specific plea of health ground is being taken on behalf of petitioner no. 1 and 2. It is submitted that petitioner no. 1 has chronic obstructive pulmonary disease (COPD) and chronic kidney disease and his health condition is in a critical state. Petitioner no. 2 has also chronic obstructive pulmonary disease (COPD).

7. I find force in the submission on behalf of learned counsel for the CBI that the order in favour of petitioners Binod Kumar Agarwal and Bishal Agarwal, passed by the Hon'ble Supreme Court, is an interim order which cannot be a basis for claiming the parity. Earlier the anticipatory bail of the petitioners was withdrawn from the Supreme Court and if the order is withdrawn simplicitor without giving any further opportunity for the petitioners to renew their anticipatory bail application before this Court, logically any further prayer with regard to the said anticipatory bail should have been made before the Supreme Court and not before this Court.

Under the above stated facts, this Court is of the view that there does not exist any new circumstance for renewal of anticipatory bail, rejected on merit.

Accordingly, the anticipatory bail is hereby rejected. Petitioners are directed to surrender before the Court below within two weeks.

(Gautam Kumar Choudhary, J.)

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