

(2025) 06 OHC CK 0953
In the Orissa High Court
Case No : CRLMA No.12 Of 2025

Central Bureau of Investigation (CBI), New Delhi	APPELLANT
Vs	
Chanchal Kumar Mukherjee & Others Vs	RESPONDENT

Date of Decision : 30-06-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483(3), 528

Citation : (2025) 06 OHC CK 0953

Hon'ble Judges : G. Satapathy, J

Bench : Single Bench

Advocate : S. Nayak

Final Decision : Dismissed

Judgement

G. Satapathy, J

1. This application U/S.483(3) r/w. Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 brought at the instance of the CBI with following prayer, which has been stated in the application:-

"i. To consider the facts stated in the Petition, allow the same, issue notice to the Opposite Party; and

ii. Direct to cancel the bail granted by the Ld. Spl. Court to Opposite Party vide order dated 18.12.2024; and

iii. Direct to arrest the opposite parties, and commit the opposite parties to the custody of the petitioner, with such terms and conditions deem just and proper."

2. Heard, Mr. Sarthak Nayak, learned counsel for CBI and perused the record. It is although claimed in prayer No.ii to cancel the bail application of the petitioner, but in fact after going through the averments taken in the CRLMA, this Court does not find as to how the impugned order is perverse or illegal. The CBI has stated in paragraph-19 of the CRLMA that the order dated 18.12.2024 of the learned Special Judge, CBI-I, Bhubaneswar was passed without considering the

facts and circumstances of the present case in entirety and also the principles laid down by the Constitutional Courts as mentioned in the present CRLMA. Further, the CBI has also taken pleas in the CRLMA that relevant/crucial witnesses are yet to be examined and many relevant/crucial documents are still required to be collected and analysed and the accused persons may influence the witnesses and tamper with the evidence, if they are enlarged on bail at the stage of the investigation. Further, in paragraph-14 of the CRLMA, it is also stated that the substantial part of the investigation is yet to be conducted, but during searches at the premises of accused persons at different locations at Bhubaneswar, Kolkata, Cuttack etc., various incriminating documents have been recovered, which are yet to be analyzed and, therefore, the observation of the Spl. Court is not correct.

3. On a careful scrutiny of the aforesaid averments, it appears that the learned CBI has sought for cancellation of bail of the accused persons/OPs on the ground that the investigation is yet to be conducted and the crucial witnesses are yet to be examined, but it does not deal with the impugned order with regard to any illegality or perversity committed by the learned trial Court. It is of course true that the learned CBI has sought for imposing appropriate conditions, but the learned trial Court has also imposed certain conditions while granting bail to the accused persons-cum-OPs. It is also not further in dispute that the impugned order was passed way back on 18.12.2024, but in the meantime, more than six months has elapsed and the investigation must have progressed substantially. Mr. Sarthak Nayak, learned counsel for the CBI has of course drawn the attention of the Court to the relevant paragraphs of the impugned order, in which it is alleged against accused-OP No.3-Debadutta Mohapatra that he has not properly cooperated during the custodial interrogation, which can be taken care of by imposing suitable conditions, but Mr. Nayak submits that no proper condition has been imposed against accused-Debadutta Mohapatra to cooperate with the investigation. In this regard, this Court is quite clear that, if at all the CBI is not satisfied with the conditions as imposed by the learned Special Judge, CBI-I, Bhubaneswar, while granting bail to the accused persons, it can still approach the concerned Special Judge or Special Court for imposing appropriate conditions, however, in what manner, the accused persons are not cooperating with the investigation has not been clarified, but if that is clarified or the conditions already imposed are not adequate, the Special Court can still pass order by imposing appropriate conditions. Right now, however, on a cumulative consideration of the submissions as advanced by Mr. Nayak keeping in view the materials placed on record together with analysis of the impugned order, this Court does not find any reason to interfere with the impugned order to cancel the bail application of the OPs who have secured their liberty by an order of competent Court.

4. Hence, the CRLMA filed by the learned CBI being devoid of merit, stands dismissed.

.....