CGHC010220762026 2026:CGHC:30328

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5181 of 2026

Order Reserved on 10.07.2026

Order Delivered on 17.07.2026

1. Amit Prabhakar Salunke, S/o Prabhakar Salunke, aged about 35 Years, R/o A1 Siddheshwar Park, Sudarshannagar, Near Sofosh Dhadphale Centre Pimpale Gurav, Pimpale Gurav Haveli, District- Pune, Maharashtra – 411061.

2. Ajit Jaysinghrao Darandale, S/o Shri Jaysinghrao Darandale, aged about 55 Years, R/o A 706, Ganga Kalash Society Sr No. 120/1 To 9, Kalasgaon, Shivaji Chowk, Pune Maharashtra – 411015.

...Applicants

versus

- State Of Chhattisgarh Through Its Station House Officer, Police Station E.O.W. / A.C.B. District- Raipur (C.G.)

... Non-applicant

(Cause-title is taken from Case Information System)

For Applicants	:	Mr. Rajeev Shrivastava, Senior Advocate appears along with Gagan Tiwari, Mr. Seoul Shah & Mr. Aditya Tiwari, Advocates

For State	:	Mr. Praveen Das, Additional Advocate General & Mr. S.S. Choubey, Government Advocate

(Hon'ble Shri Amitendra Kishore Prasad, Judge)

C.A.V. Order

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred on behalf of the applicants seeking grant of regular bail in connection with FIR No. 0044/2024 registered at Police Station Economic Offences Wing/Anti-Corruption Bureau (EOW/ACB), Raipur, District Raipur (C.G.), for the offences punishable under Section 120-B of the Indian Penal Code, 1860 and Sections 7(b) and 8 of the Prevention of Corruption Act, 1988. Subsequently, during the course of investigation, offences under Sections 467, 468 and 471 of the IPC have also been incorporated. The applicants were arrested on 04.05.2026 and have remained in judicial custody since then.

2. The present application arises out of the order passed by the learned Special Judge (Prevention of Corruption Act), Raipur, whereby the prayer of the applicants for grant of regular bail has been rejected.

Case of Prosecution :

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3. The prosecution case, as emerging from the FIR, charge-sheet, case diary and other material collected during investigation, is that a deep-rooted and organized conspiracy was operating within the functioning of the Chhattisgarh State Marketing Corporation Limited (CSMCL), whereby illegal gratification was allegedly collected from manpower supply agencies for securing clearance of their bills. It is alleged that the conspiracy was orchestrated by certain public servants in connivance with influential private persons and representatives of manpower supply agencies, resulting in systematic diversion of public funds and extraction of illegal commission.

4. According to the prosecution, the present applicants were Directors of Sumeet Facilities Private Limited, one of the manpower agencies engaged by CSMCL for providing contractual manpower. It is alleged that inflated bills were generated in the name of overtime wages, bonus, additional working days and other service components. Though such amounts were allegedly released by CSMCL, the corresponding benefits were not passed on to the employees and a substantial portion thereof was diverted towards payment of illegal commission to members of the alleged syndicate.

5. The prosecution alleges that the entire modus operandi involved preparation of inflated claims, routing of funds through the accounts of manpower agencies and subsequent transfer of illegal commission to persons controlling the alleged conspiracy. It is alleged that the applicants, being Directors of Sumeet Facilities Private Limited, knowingly participated in the said arrangement and facilitated diversion of public money for illegal purposes. The prosecution further relies upon the investigation conducted by the Enforcement Directorate under the Prevention of Money Laundering Act, 2002. During investigation of ECIR, certain material allegedly disclosing commission payments and illegal financial transactions within CSMCL came to light. In exercise of powers under Section 66(2) of the PMLA, the Enforcement Directorate forwarded the relevant material to the Director General of Police, Chhattisgarh, recommending registration of an FIR regarding the predicate offences, pursuant to which the present FIR came to be registered. The prosecution further alleges that statements recorded during investigation, electronic evidence, bank records, call detail records, digital communications and other documentary material indicate existence of a coordinated mechanism whereby manpower contractors were compelled to pay illegal commission as a condition precedent for clearance of their legitimate dues. It is alleged that the present applicants were beneficiaries of the said arrangement and acted in concert with the principal conspirators.

6. According to the prosecution, the applicants, together with other accused persons, committed offences punishable under Section 120-B IPC, Sections 467, 468 and 471 IPC and Sections 7(b) and 8 of the Prevention of Corruption Act by participating in the alleged conspiracy and facilitating diversion of public funds through fraudulent billing mechanisms.

Submission of Learned Counsel for the applicant :

7. Learned Senior Counsel appearing for the applicants has assailed the legality of the prosecution and submits that the entire prosecution against the applicants is misconceived, unsupported by legally admissible material and proceeds merely on assumptions arising from their designation as Directors of Sumeet Facilities Private Limited. It is contended that no specific overt act has been attributed to either of the applicants and their implication is contrary to the settled principles governing criminal liability of company directors.He further submits that the applicants were not named in the FIR. They were repeatedly summoned by the investigating agency on several occasions and each time they appeared before the Investigating Officer, supplied all documents demanded from them and fully cooperated with the investigation. Despite such cooperation, they were ultimately arrested on 04.05.2026 without any fresh incriminating material having surfaced against them. It is further submitted that the prosecution itself has collected documents demonstrating that the entire day-to-day management and execution of the manpower contract awarded by CSMCL had been entrusted to Siddharth Singhania under various contractual arrangements including the Consultancy Agreement dated 01.10.2018, Operational Management Agreement dated 01.12.2020 and other contemporaneous documents. The applicants contend that Siddharth Singhania exercised complete operational control over the project, supervised execution of the contract, coordinated with CSMCL officials, managed financial affairs and independently dealt with manpower operations. Learned counsel further submits that the Board of Directors had authorised operational management through the aforesaid arrangements and the applicants were not personally supervising day-to-day affairs relating to execution of the CSMCL contract. It is submitted that the prosecution itself has cited Siddharth Singhania as a prosecution witness instead of arraigning him as an accused, thereby rendering the prosecution case inherently inconsistent. It is contended that criminal liability cannot be fastened merely because the applicants happened to be Directors of the company. Reliance is placed upon ***National Small Industries Corporation Ltd. v. Harmeet Singh Paintal, (2010) 3 SCC 330, Sunil Bharti Mittal v. Central Bureau of Investigation, (2015) 4 SCC 609*** and other decisions of the Hon'ble Supreme Court to contend that criminal law recognises no automatic or vicarious liability of Directors in the absence of specific allegations demonstrating their active participation in the commission of the alleged offences.

8. Learned counsel further submits that the prosecution has failed to place on record any bank transaction, cash trail, electronic communication or independent documentary evidence indicating that either of the applicants personally demanded, paid or received any illegal gratification. No recovery has been effected from either applicant and no document has been shown to have been forged, fabricated or used by them. It is further argued that the investigation already stands concluded and the charge-sheet has been filed. The entire evidence relied upon by the prosecution is documentary in nature comprising contracts, invoices, bank statements, official correspondence, electronic records and financial documents, all of which are already in the custody of the investigating agency. Consequently, no purpose would be served by continued custodial detention of the applicants.

9. Learned counsel further submits that the present prosecution is founded substantially upon statements recorded during investigation and memorandum statements of co-accused persons. According to him, there is no independent material demonstrating any meeting of minds between the present applicants and the principal accused so as to prima facie satisfy the essential ingredients of criminal conspiracy punishable under Section 120-B IPC. It is contended that mere corporate association or managerial status cannot substitute the legal requirement of an agreement to commit an illegal act. It is further argued that although serious offences under Sections 467, 468 and 471 IPC have subsequently been incorporated, but the prosecution has failed to identify any forged document allegedly prepared by either of the applicants or any document knowingly used by them as genuine. Likewise, there is no material demonstrating that either applicant personally offered or paid any undue advantage so as to prima facie attract the ingredients of Sections 7(b) and 8 of the Prevention of Corruption Act. Learned counsel submits that the applicants have throughout cooperated with the investigation. Despite repeated appearance before the Investigating Officer, they neither attempted to evade the investigation nor violated any direction issued by the investigating agency. It is submitted that the applicants voluntarily appeared before the Economic Offences Wing pursuant to notices issued to them and were arrested only thereafter, though the investigating agency had sufficient opportunity to interrogate them during the preceding several months. It is further contended that the alleged transactions pertain to the period between 2019 and 2022 whereas the FIR itself came to be registered much later. Even thereafter, the applicants remained available to the investigating agency and fully cooperated with the investigation. There is no allegation that they attempted to abscond, influence witnesses or destroy evidence.

10. Learned counsel further argues that the entire evidence relied upon by the prosecution is documentary in nature. Contracts, bank statements, invoices, tender documents, official correspondence, electronic devices and digital records have already been seized by the investigating agency. Consequently, there remains no possibility of tampering with documentary evidence. It is submitted that one of the principal features emerging from the prosecution material itself is that Siddharth Singhania was entrusted with the operational management of the project and was interacting with officials of CSMCL on behalf of the company. Surprisingly, while the prosecution repeatedly relies upon his role during investigation, he has subsequently been cited as a prosecution witness. According to learned counsel, this circumstance assumes significance while examining the comparative role attributed to the present applicants at the stage of bail.

11. Learned counsel further submits that similarly situated co-accused namely **Ajay Lohia** in **MCRC No.5063 of 2026** vide **order dated 03.07.2026** and **Amit Mittal** in **MCRC No.4981 of 2026** vide **order dated 03.07.2026** have already been enlarged on regular bail by this Court after considering the very same FIR, charge-sheet and prosecution material. It is argued that the role attributed to the present applicants is not distinguishable in any material respect and, therefore, on the principle of parity also, they are entitled to be enlarged on bail. Learned counsel has further relied upon the judgments of the Hon'ble Supreme Court in ***Sanjay Chandra v. CBI, (2012) 1 SCC 40; Satender Kumar Antil v. Central Bureau***

of Investigation, (2022) 10 SCC 51; Dataram Singh v. State of Uttar Pradesh, (2018) 3 SCC 22; P. Chidambaram v. Directorate of Enforcement, (2020) 13 SCC 791; Joginder Kumar v. State of U.P., (1994) 4 SCC 260; Siddharth v. State of Uttar Pradesh, (2022) 1 SCC 676; Arvind Dham v. Directorate of Enforcement, 2026 SCC OnLine SC 30; Vihaan Kumar v. State of Haryana, 2025 SCC OnLine SC 269; Mihir Rajesh Shah v. State of Maharashtra, (2026) 1 SCC 500; Sunil Bharti Mittal (supra); Harmeet Singh Paintal (supra) and several other decisions to contend that personal liberty under Article 21 cannot be curtailed by prolonged pre-trial incarceration once investigation is complete and custodial interrogation is no longer necessary. On the aforesaid premises, it is submitted that further incarceration of the applicants would serve no useful purpose. They undertake to cooperate with the trial, remain present before the Trial Court on every date fixed and abide by all conditions that may be imposed by this Court.

<u>Submissions of Learned State Counsel :</u>

12. Per contra, learned State Counsel vehemently opposes the prayer for grant of bail and submits that the present case concerns a large-scale economic offence involving systematic diversion of public funds through a well-organized criminal conspiracy. It is submitted that economic offences constitute a distinct class of offences affecting the financial health of the State and are therefore required to be viewed with greater seriousness while considering bail. Learned State Counsel submits that the present applicants were not mere nominal Directors but were actively associated with the affairs of Sumeet Facilities Private Limited during the relevant period. According to the prosecution, the investigation has revealed that inflated claims under various financial heads including overtime wages, bonus and additional working days were submitted before CSMCL and substantial amounts received thereunder were diverted towards payment of illegal commission instead of being utilized for the benefit of the employees. It is further submitted that the prosecution has collected sufficient *prima facie* material including statements recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, bank records, electronic evidence, digital communications and other documentary material demonstrating the involvement of the applicants in the alleged conspiracy. Learned State Counsel submits that the plea that Siddharth Singhania was independently managing the affairs of the company is purely a defence available to the applicants during trial and cannot absolve them of criminal liability at this stage. Learned State Counsel further submits that merely because the applicants were not named in the FIR would not entitle them to grant of bail. During investigation, additional material surfaced indicating their involvement in the commission of the offences and, therefore, they were rightly arrested after collection of sufficient incriminating evidence. It is further argued that the investigation has disclosed existence of a deep-rooted conspiracy involving several public servants and private persons. Certain financial transactions and identification of beneficiaries are still under scrutiny and, therefore, release of the applicants may prejudice the further course of investigation and enable them to influence witnesses or coordinate with other accused persons.

13. Learned State Counsel also submits that parity with co-accused cannot be claimed as a matter of right. According to him, the role attributed to every accused is required to be examined independently on the basis of material collected during investigation and, therefore, the orders granting bail to other co-accused do not automatically entitle the present applicants to similar relief. Reliance has been placed upon the decisions of the Hon'ble Supreme Court in ***Y.S. Jagan Mohan Reddy v. CBI 2013 (7) SCC 439, Nimmagadda***

Prasad v. CBI 2013 (7) SCC 466, P. Chidambaram v. Directorate of Enforcement (2020) 13 SCC 791 and Mahipal v. Rajesh Kumar 2020 (2) SCC 118 to contend that economic offences involving deep-rooted conspiracies require a different approach while considering applications for bail. It is, therefore, submitted that considering the gravity of allegations, the magnitude of the financial scam, the role attributed to the applicants and the larger public interest involved, no case for grant of regular bail is made out.

14. I have heard learned counsel for the parties at considerable length and have carefully perused the case diary, charge-sheet and all documents placed on record.

15. The present application has been preferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in connection with Crime No.44/2024 registered by the Economic Offences Wing/Anti-Corruption Bureau, Chhattisgarh, for offences punishable under Section 120-B IPC and Sections 7(b) and 8 of the Prevention of Corruption Act, 1988, wherein subsequently, after filing of the charge-sheet, offences under Sections 467, 468 and 471 of the IPC have also been incorporated.

16. At the outset, it requires to be observed that while considering an application for grant of bail under Section 483 of the

BNSS, this Court is not expected to conduct a meticulous appreciation of evidence as would be undertaken during trial. At this stage, the Court is only required to examine whether a prima facie case exists, the nature of accusation, the specific role attributed to the accused, the necessity of continued custodial detention and whether release of the accused is likely to prejudice the investigation or the fair conduct of trial.

17. The allegations undoubtedly pertain to an economic offence involving alleged irregularities in the functioning of the Chhattisgarh State Marketing Corporation Limited. The Hon'ble Supreme Court has repeatedly held that economic offences constitute a serious class of offences having wider societal ramifications. At the same time, it is equally well settled that gravity of the accusation, though an important consideration, cannot by itself be treated as the sole ground to deny bail once the Court finds that continued incarceration is no longer necessary for the purposes of investigation.

18. Having bestowed anxious consideration to the rival submissions and upon careful perusal of the FIR, the charge-sheet, the case diary and the documents collected during investigation, this Court finds that certain undisputed circumstances emerge from the record.

19. Firstly, the present applicants admittedly do not find place in the FIR dated 05.10.2024. The foundational allegations in the FIR principally relate to the interception of cash, the alleged demand of commission and the role attributed to certain public servants and intermediaries. No specific allegation regarding demand, acceptance or receipt of illegal gratification has been attributed to either of the present applicants in the FIR itself.

20. Secondly, the material placed before this Court shows that after registration of the FIR, the applicants were repeatedly called by the Investigating Agency for interrogation. The applicants appeared before the Investigating Officer pursuant to notices issued to them and supplied the information and documents demanded during investigation. The record does not indicate that either of the applicants attempted to evade investigation, violated any notice or remained unavailable to the investigating agency. Ultimately, they came to be arrested only on 04.05.2026 when they voluntarily appeared before the Economic Offences Wing.

21. The conduct of the applicants during investigation assumes significance. Throughout the period preceding their arrest, they remained available to the investigating agency and cooperated with the investigation. *Prima facie*, there is nothing on record to suggest that they attempted to abscond, influence witnesses or obstruct the course of investigation. Their continued cooperation substantially diminishes the apprehension expressed by the prosecution regarding the possibility of their fleeing from justice.

22. Another important circumstance which deserves consideration is that the investigation, so far as the present applicants are concerned, already stands concluded and the charge-sheet has admittedly been filed. The prosecution has not pointed out any specific aspect requiring further custodial interrogation of the applicants. The evidence proposed to be relied upon by the prosecution consists substantially of contracts, consultancy agreements, invoices, bank statements, official correspondence, electronic records, digital communications and other documentary material, all of which have already been collected and form part of the charge-sheet.

23. The prosecution has also not demonstrated before this Court that any recovery remains to be effected from either of the applicants. No cash has been recovered from their possession. No incriminating article remains to be seized. In these circumstances, the necessity of continued custodial detention requires careful examination in the light of the settled principles governing grant of bail.

24. A significant feature emerging from the prosecution material itself is that the operational execution of the manpower contract awarded to Sumeet Facilities Private Limited appears to have been entrusted to Siddharth Singhania under various contractual arrangements placed on record by the applicants. The Consultancy Agreement dated 01.10.2018, the Operational Management Agreement dated 01.12.2020 and the connected documents prima facie indicate that day-to-day operational management, coordination with CSMCL authorities and execution of the project were entrusted to him.

25. Without expressing any final opinion on the evidentiary value of the aforesaid documents, which shall necessarily be examined during trial, this Court cannot ignore the fact that the prosecution itself has cited Siddharth Singhania as a prosecution witness. The material collected during investigation repeatedly refers to his interaction with officials of CSMCL and his involvement in operational aspects of the project. This circumstance undoubtedly assumes relevance while evaluating the comparative role attributed to the present applicants at the stage of consideration of bail.

26. The prosecution seeks to fasten criminal liability upon the applicants primarily on the ground that they were Directors of Sumeet Facilities Private Limited. However, criminal jurisprudence does not recognise automatic or vicarious criminal liability merely because a person occupies the office of Director, unless the statute specifically creates such liability or there exists prima facie material demonstrating his personal participation in the commission of the alleged offence.

27. The Hon'ble Supreme Court in ***Harmeet Singh Paintal (supra)***, has categorically held that every Director of a company cannot automatically be prosecuted merely because of his designation. Criminal liability can arise only against those who were actually in charge of and responsible for the conduct of the business of the company at the relevant point of time.

28. The same principle has subsequently been reiterated in ***Sunil Bharti Mittal (supra)***, wherein the Hon'ble Supreme Court held that criminal liability is personal in nature and cannot be inferred merely from one's corporate designation. Unless the prosecution discloses specific material attributing active participation or distinct overt acts to a Director, criminal liability cannot be presumed solely on account of the office held by him.

29. At this stage, apart from the applicants' association with Sumeet Facilities Private Limited as Directors, the prosecution has not drawn the attention of this Court to any independent material demonstrating that either of the applicants personally demanded illegal gratification, received any cash amount, handled the intercepted money or prepared any forged document. Whether the material ultimately establishes their involvement in the alleged conspiracy is a matter which shall necessarily be adjudicated during trial upon appreciation of evidence.

30. Likewise, although offences under Sections 467, 468 and 471 IPC have subsequently been incorporated, the prosecution has not, at this stage, pointed out any specific forged document prepared by either of the applicants or any document allegedly used by them as genuine. These aspects undoubtedly remain matters for trial. However, while considering the prayer for bail, the Court cannot overlook the apparent absence of specific material directly connecting the applicants with the alleged acts of forgery.

31. Another circumstance which deserves consideration is that the entire prosecution case, so far as the present applicants are concerned, substantially rests upon documentary evidence already seized by the investigating agency. The prosecution has not placed any material indicating that during the long period when the applicants remained at liberty, they attempted to tamper with evidence or influence prosecution witnesses. Most of the witnesses are official witnesses and the relevant documentary evidence already stands secured.

32. Another submission advanced on behalf of the applicants relates to the legality of their arrest. Learned counsel has contended that despite the applicants having cooperated with the investigation on every occasion, they were arrested without any fresh incriminating material and without strict compliance of the constitutional safeguards governing arrest. Since the legality of arrest is one of the submissions pressed into service while seeking bail, this Court considers it appropriate to briefly advert to the settled legal position.

33. The Hon'ble Supreme Court in ***Joginder Kumar (supra)***, held that no arrest can be made merely because it is lawful to do so. The existence of power to arrest is distinct from the necessity to arrest. The investigating agency must satisfy itself that arrest is justified having regard to the facts and circumstances of the case.

34. Similar principles have been reiterated in ***Siddharth (supra)***, wherein the Apex Court observed that where an accused has cooperated throughout the investigation and custodial interrogation is not required, arrest should not ordinarily be resorted to as a matter of routine.

35. Likewise, in ***Vihaan Kumar*** and ***Mihir Rajesh Shah (supra)***, the Hon'ble Supreme Court emphasized the constitutional mandate flowing from Article 22(1) of the Constitution of India and Section 47 of the Bharatiya Nagarik Suraksha Sanhita, 2023 regarding communication of grounds of arrest. Though the legality of arrest may independently fall for consideration in appropriate proceedings, the aforesaid principles undoubtedly constitute relevant circumstances while examining the necessity of continued pre-trial detention.

36. Be that as it may, this Court does not propose to record any conclusive finding on the legality of arrest, since the same is not directly in issue in the present proceedings. Nevertheless, the undisputed fact remains that the applicants had appeared before the investigating agency on several occasions, cooperated with the investigation and were ultimately arrested only after such cooperation. This circumstance certainly weighs in favour of the applicants while considering their prayer for regular bail.

37. Yet another significant circumstance favouring the applicants is the principle of parity. It is not disputed before this Court that co-accused- ***Ajay Lohia*** has already been enlarged on regular bail by this Court in ***MCRC No.5063 of 2026 vide order dated 03.07.2026***, and another co-accused- ***Amit Mittal*** has also been granted regular bail in ***MCRC No.4981 of 2026 vide order dated 03.07.2026*** after consideration of the same FIR, the same charge-sheet and substantially similar prosecution material.

38. Although parity cannot be claimed as a matter of absolute right and each case must necessarily be examined on its own facts, it is equally well settled that where the prosecution attributes substantially similar roles to co-accused persons and no distinguishing feature is demonstrated by the prosecution, judicial consistency requires the Court to extend similar treatment unless there exist compelling reasons for taking a different view.

39. In the present case, learned State Counsel has not been able to demonstrate any distinguishing circumstance indicating that the role attributed to the present applicants is materially graver than that attributed to the aforesaid co-accused who already stand enlarged on regular bail. On the contrary, the material presently available indicates that the allegations against the applicants also arise primarily out of their association with the manpower supplying company and the alleged commission mechanism, which has already been considered by this Court while granting bail to the aforesaid co-accused.

40. The investigation, so far as the present applicants are concerned, has already culminated in filing of the charge-sheet. The prosecution has not pointed out any further custodial interrogation which remains necessary. The documentary evidence already stands secured. The applicants have roots in society, have cooperated with the investigation and there is presently no material to indicate that they attempted either to abscond or to interfere with the investigation during the considerable period when they remained at liberty.

41. The Hon'ble Supreme Court in ***Sanjay Chandra (supra)***, observed that the object of bail is to secure the attendance of the accused during trial and not to inflict punishment before conviction. The Court held that where investigation has been completed and the evidence is predominantly documentary, continued incarceration cannot ordinarily be justified merely because the allegations are serious.

42. Again, in ***Satender Kumar Antil (supra)***, the Apex Court reiterated that once investigation is complete and the accused has cooperated throughout the investigation, personal liberty guaranteed under Article 21 deserves due weight while considering the prayer for bail.

43. In ***Dataram Singh (supra)***, the Hon'ble Supreme Court once again emphasized that grant of bail is the general rule whereas refusal is an exception and every accused continues to enjoy the presumption of innocence until proven guilty.

44. The constitutional importance of personal liberty was further emphasized in ***P. Chidambaram (supra)***, wherein the Hon'ble Supreme Court held that even in cases involving serious economic offences, gravity of accusation alone cannot justify denial of bail and the Court is required to strike a balance between the interests of investigation and the valuable right guaranteed under Article 21 of the Constitution of India.

45. More recently, in ***Arvind Dham (supra)***, the Hon'ble Supreme Court reiterated that prolonged incarceration pending trial cannot be permitted to assume the character of punishment before conviction. The Court further observed that where documentary evidence has already been seized and the trial is likely to consume considerable time, continued detention of an undertrial may not be justified merely because the allegations relate to an economic offence.

46. Thus, having regard to the cumulative effect of the aforesaid circumstances, namely that the applicants were not named in the FIR; they cooperated throughout the investigation; they appeared before the investigating agency whenever called; the investigation already stands completed; the charge-sheet has been filed; the prosecution evidence is predominantly documentary in nature; no recovery remains to be effected from the applicants; the operational management of the project appears, *prima facie*, to have been entrusted to another individual under contractual arrangements; criminal liability cannot be fastened merely on the basis of designation as Directors; similarly placed co-accused have already been enlarged on regular bail; and there is no material indicating that the applicants are likely to abscond or tamper with evidence, this Court is of the considered opinion that further custodial detention of the applicants would not serve any useful purpose.

47. Accordingly, without expressing any opinion on the merits of the prosecution case and keeping in view the law laid down by the Hon'ble Supreme Court in the aforesaid matters, this

Court is satisfied that the applicants have succeeded in making out a fit case for grant of regular bail.

48. Consequently, the present bail application deserves to be and is hereby **allowed.** It is directed that the applicants- ***Amit Prabhakar Salunke and Ajit Darandale*** shall be released on regular bail in connection with Crime No.44/2024 registered at Police Station Economic Offences Wing/Anti-Corruption Bureau, Raipur, District Raipur (C.G.), on each of them furnishing a personal bond in the sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two solvent sureties in the like amount to the satisfaction of the concerned Trial Court, subject to the following conditions:-

(i) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts before the Court or any investigating authority.

(ii) The applicants shall surrender their passports, if any (if not already surrendered), before the concerned Trial Court and shall not leave the territory of India without prior permission of the said Court.

(iii) The applicants shall remain present before the Trial Court on each and every date fixed unless exempted in accordance with law.

(iv) The applicants shall not indulge in any act which may delay or prejudice the fair conduct of the trial.

(v) The applicants shall continue to cooperate with the investigating agency as and when required in accordance with law.

(vi) In addition, the applicants will provide one telephone/mobile No. on which they can be contacted by the concerned Officials to ascertain their whereabouts while they are on bail.

(vii) In the event of violation of any of the aforesaid conditions, it shall be open to the State to seek cancellation of bail in accordance with law.

49. It is clarified that the observations recorded hereinabove are purely for the limited purpose of adjudicating the present application for grant of bail and shall not be construed as an expression of opinion on the merits of the case. The concerned Trial Court shall proceed independently and decide the case solely on the basis of the evidence that may be adduced before it, uninfluenced by any observation contained in the present order.

50. Accordingly, the bail application is **disposed of** in the aforesaid terms.

Sd/-
(Amitendra Kishore Prasad)
Judge

Vishakha