

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 49 OF 2021  
(Arising out of SLP(CrI.) No. 5183/2020)

SANDEEP GURURAJ

Appellant(s)

VERSUS

THE STATE OF KARNATAKA &amp; ANR.

Respondent(s)

## O R D E R

Leave granted.

We have heard the elaborate submissions on the basic plea of bail. We may notice that in terms of what had been stated earlier, the supplementary charge sheet was to be filed in March, 2020. The present bail application arose because that supplementary charge sheet was not filed and the appellant has remained in custody for over two years.

On 18.12.2020, we had heard the learned counsel for the parties at some length and noted the submissions of learned Solicitor General that further three months' time is required in the same conspectus for which time had earlier been granted upto March, 2020. The development now is that the said supplementary charge sheet has been filed.

Learned Solicitor General strongly opposes the grant of bail on the principles of a triple test. His submission is that *prima facie* case is made out against the appellant, the amounts in question have not been brought back by the appellant, some of the co-accused are absconding and there is a possibility of the

appellant fleeing from justice in view of his strong connects outside the country.

Learned senior counsel appearing for the complainants have also strongly opposed the grant of bail and in the alternative have suggested that the appellant must bring in some money and the affidavit filed in pursuance to the last order about the assets in his custody is not a fair disclosure of the assets.

On the other hand, learned senior counsel for the appellant contends that the appellant has really no assets in his control and other people are absconding, that cannot be a reason to indefinitely keep the appellant in custody. It is her submission that the appellant is being made a scapegoat arising from what appeared in public domain in pursuance to what has been called "paradise papers" where the conduct of the management was being called into question in respect of mobilization of resources through offshore entities.

On a Court question, it is accepted that whatever is alleged against the appellant was continuing for almost 4-5 years but the reason given by the counsel for the complainants is that he was a man of trust and he has betrayed that trust.

We may notice that the endeavor of the learned Solicitor General who submits that the attempt is to bring the appellant to accountability but then in the present case it cannot be disputed that it was not one of public money being involved but monies of the concerned corporate entities which are in question.

We have given a thought to the matter in issue and in view of the investigation being complete and supplementary charge sheet

being filed, we are inclined to grant bail to the appellant who has been in custody for over two years subject to certain terms and conditions. We would not like to further comment on the merits of the controversy as that has the propensity to affect trial. Suffice to say that that the assets in the country of the appellant are attached, his passport is stated to be with the complainant company which shall be deposited in Court and no public money is involved. The fact that the appellant is being called to trial for criminal offences is a matter which would be adjudicated during the criminal trial and the only endeavour can be is to ensure that the appellant remains within the country to face the trial.

We thus, grant bail to the appellant on terms and conditions to the satisfaction of the trial Court which will keep into conspectus the aforesaid parameters which we have set forth.

The appeal is allowed in the aforesaid terms leaving parties to bear their own costs.

..... J.  
(SANJAY KISHAN KAUL)

..... J.  
(DINESH MAHESHWARI)

..... J.  
(HRISHIKESH ROY)

NEW DELHI;  
JANUARY 18, 2021.

