

**IN THE COURT OF SH. SUSHANT CHANGOTRA
SPECIAL JUDGE (PC ACT), CBI-22, ROUSE AVENUE
COURT, NEW DELHI.**

**Bail Application No. 210/2025
CBI Vs. Dr. Montu Kumar Patel
RC No. 216 2025 A0010
PS CBI, AC-1, New Delhi
U/s 120-B r/w 420 IPC and
Section 7, 7A & 8 of PC Act, 1988**

23.07.2025

Present: Sh. S. C. Sharma, Dy. Legal Advisor, CBI, AC-1
Branch, Sh. Lalit Mohan, Id. PP for CBI and Sh.
Manuji Upadhyay, Id. SPP and Ms. Aakanksha, Id.
PP for CBI.
Sh. Vikas Pahwa, Id. Senior Advocate alongwith
Sh. Rinku Garg, Sh. Tushar Giri, Sh. Kunal Narang,
Sh. Ravi Kaushik and Sh. Manik Bhalla i.e. counsels
for accused/ applicant.
Sh. Sanjay Kumar Sinha, Superintendent of Police,
CBI alongwith IO Insp. Vinod Kumar.

Today, further reply to the application has been
filed. Copy supplied. Arguments heard at length.

Be put up for order at 4 PM.

**SUSHANT CHANGOTRA
Special Judge (PC Act) CBI-22
Rouse Avenue Courts,
New Delhi/23.07.2025**

ORDER

At 6:00 PM

Present: Sh. Lalit Mohan, Id. PP for CBI.
IO Insp. Vinod Kumar in person.
Sh. Kunal Narang and Sh. Manik Rai Bhalla, Id.
Counsels for accused/ applicant.

Vide this order, I will decide the application for grant of anticipatory bail filed by accused/ applicant Dr. Montu Kumar Patel.

I have heard the arguments.

Arguments Advanced Today-

1. Sh. Vikas Pahwa, Id. Senior Advocate representing the accused/ applicant in addition to his arguments advanced on the last date, further argued that the investigating agency has not been able to connect the applicant / accused with the allegations of having committed any offence as alleged. The reply of IO filed today also shows that he has not been able to show any ground for necessity of custodial interrogation of accused / applicant. As per the reply filed by the IO, the applicant had joined investigation on three dates as directed by IO, which shows that he has fully cooperated in investigation.

2. The Id. Senior Advocate representing applicant argued that the pleas taken in the reply qua custodial interrogation are absolutely baseless. It is alleged that accused had left his house with suitcases, but there is no material whatsoever to show the basis of said allegations. He further argued that the search of the car of applicant was infact conducted on 02.07.2025, but the reply of IO is silent vis-a-vis the date of such search. It is

admitted in the replies that one of the mobile phones of accused has been recovered, whereas, even the alleged second mobile is in the custody of IO, but he is concealing the said fact due to reasons best known to him. It is also argued that the other two accused qua whom the allegations are that they had exchanged money with each other were also called to the office of CBI and they were confronted with accused.

3. The Id. Senior Advocate argued that the investigating officer is intentionally levelling allegations of accused having amassed huge amount of wealth without even an inch of evidence to support it. As per FIR, a cash sum of Rs. 10 lakhs and Rs. 95,000/- by way of banking transactions were given by accused Vinod Kumar Tiwari to accused Santosh Jha, but later on in the last reply the IO whimsically mentioned a sum of Rs. 5000 crores and today it has been reduced to a sum of Rs. 118 crores. However, even today there is no material to support any of the above allegations. He argued that it is the settled proposition of law which has been held in **Pankaj Bansal Vs. Union of India 2023 SCC Online SC 1244** that custodial interrogation is not for the purpose of confession as the right against self – incrimination is provided by Article 20 (3) of Constitution. It was also held that merely because accused did not confess, it cannot be said that he was not cooperating with the investigation. Thus, he argued that the accused has fully cooperated in investigation. The allegations on the face of it are false and motivated. No ground for custodial interrogation is made out. Therefore, he argued that the personal liberty of the accused / applicant may be protected and he may be granted anticipatory bail.

4. On the other hand, the Id. Dy. Legal Advisor and Id. PP for CBI vehemently opposed the bail application. They argued that the accused did not cooperate in investigation. He gave evasive replies. The accused had formatted one of the mobile phones and he has thrown the second mobile phone. Accused Vinod Kumar Tiwari did not join the investigation. In the present application, accused / applicant did not mention his residential address of Delhi and concealed the same, therefore, he is not entitled to equitable relief. They further argued that during investigation properties of worth Rs. 118 crores have been found in the name of accused/ his relatives. The bank statement of the father of accused shows entries of cash amount of Rs. 1 lakh on 03.04.2025 and of Rs. 9.50 lakhs on 10.03.2023. Similarly, the bank account of wife of brother of applicant shows that sum of Rs. 1.5 lakhs was transferred on 05.12.2024 and 1.49 lakhs was transferred on 03.05.2025. Thus, they argued that custodial interrogation of accused is necessary for unearthing the facts necessary for investigation and therefore the present application may be dismissed.

5. In rebuttal, Sh. Vikas Pahwa, Id. Senior Advocate argued that the submissions made on behalf of CBI do not hold good. The perusal of the FIR registered by CBI shows that the address of accused is the same as has been mentioned in the affidavit filed alongwith present application. He further argued that the aforesaid FIR was registered after detailed inquiry which continued for more than two years, therefore, the IO or the investigating agency cannot say that the accused has mentioned wrong address which is infact reflected in FIR. He also argued

that the foundational facts required for even showing allegation of accused having taken suitcases is missing. Therefore, he argued that the prosecution / IO have not been able to show any ground for custodial interrogation of accused/ applicant.

6. I have considered the submissions and gone through the replies, case diary of IO and other documents placed on record by both the parties. It is further necessary to mention that as per report of Reader of the court, two emails i.e. dated 17.07.2025 from Dr. Gopal Bhutada, Nagpur and email dated 22.07.2025 from Advocate Pardeep S Wathora, Counsel for Ajay B. Soni and Dr. Goptal Bhutada were received in the court from email ID drgopalbhutada@gmail.com. The said fact was also informed to the ld. DLA and ld. PPs for CBI as well as to the ld. Defence counsel. The said emails contained allegations against the applicant and most of the annexures in the said emails were illegible.

7. At the cost of repetition, I find it pertinent to reproduce the detailed arguments of ld. Senior Advocate representing accused and ld. PP for CBI which were advanced on the last date as the same aspects will have to be dealt with today as well.

Arguments of ld. Senior Advocate for accused/ applicant-

Applicant is totally innocent and he has been falsely implicated. He has argued that applicant is the President of Pharmacy Council of India. As per section 3 of The Pharmacy Act, 1948, the Central Council of PCI consists of almost 71 members. Further as per section 5 of the Act ibid, the President and Vice-President of Central Council are elected by the members of Central Council from amongst themselves and

dispute regarding elections has to be referred to the Central Government in terms of Section 6 of the Act *ibid*. It is not alleged that the applicant had influenced the elections, but it is alleged that he had incurred expenditure for 12 members of the Council prior to election, but the matter was never referred to the competent authority i.e. Central Government for any action.

Sh. Vikas Pahwa, *Ld. Senior Advocate* also pointed out that as per Section 9 of the Act, the Executive Committee consists of a total of 7 members and the President of the Central Council is the *Ex-Officio* Chairman of the Executive Committee. He also highlighted that as per section 12 of the Act, the approval for conducting courses of study of pharmacists are approved by the Central Council.

It is vehemently argued that the allegations in the FIR are totally frivolous and the contents thereof clearly show that the applicant is the sole target of malicious prosecution on account of his rivalry with colleagues / other contenders, as all the decisions are taken either by the Executive Council consisting of 71 members (out of which 1 member is appointed by each of the State Governments) or by the Executive Committee consisting of 7 members and yet only applicant is named in the FIR and all the allegations are pointed towards him i.e. all the decisions were purportedly taken by him, however, even the said allegations are unsubstantiated as the investigating agency does not have any material with regard to it.

It is also argued that as per the contents of FIR, preliminary verification was conducted on the basis of complaint dated 15.03.2023 received from the Under Secretary to GOI

Ministry of Health and Welfare, New Delhi. As per section 154 of Cr. PC, the FIR ought to have been registered on the basis of aforementioned complaint as it was the first information, but the investigating agency has conveniently withheld the aforesaid complaint due to which the applicant is unaware of the allegations which were levelled against him in the said original complaint. The FIR has been registered on the basis of a letter written by Inspector of Police, CBI to the SP of CBI which is in violation of the settled principles of law. It has been argued that the aforementioned letter has been made the basis of registration of FIR in order to mislead the authorities by concealing material facts.

Sh. Vikas Pahwa, Id. Senior Advocate argued that section 17-A of The Prevention of Corruption Act mandates the prior approval of the competent authority i.e. Central Government in the present case for conducting any enquiry or inquiry or investigation relating to the allegations relatable to the recommendations made or decision taken by public servant in discharge of official functions or duties. However, in the present case, the prior approval was not taken upon receipt of complaint dated 15.03.2023 which vitiates the entire proceedings.

The Id. Senior Advocate argued that the applicant had joined the preliminary inquiry on two dates i.e. 08.08.2024 and 09.08.2024 which is reflected in the letter dated 09.08.2024 written by Inspector of Police, CBI. The Pharmacy Council of India provided all the documents which were sought by CBI from time to time i.e. from 06.06.2023 to 14.03.2024 on 29 different

occasions. All the queries of the investigating officer were also responded to from time to time. Therefore, the applicant as well as the entire statutory body had duly assisted the investigating agency as and when required.

As regards the allegations relating to arrangements made by the applicant for stay of himself and 12 other Council Members is concerned, he argued that the allegations do not in any manner disclose commission of any offence. At best the applicant can be stated to have made arrangements of stay etc for himself and his colleagues and it is not alleged that the applicant made arrangements for 71 members of the Central Council and as argued earlier dispute regarding such elections was never raised. It is also argued that the allegations to the extent that the applicant had appointed some members to key posts including Finance Committee also do not attract allegation of any offence. Such decisions were taken by the Central Council as per procedure prescribed under the Act. It is also argued that the allegations vis-a-vis conducting of inspections through online portals was taken in order to comply with direction of the Hon'ble Supreme Court given in Civil Appeal no. 9048 of 2012 vide order dated 13.12.2012 which mandated that the process approval / refusal shall be completed prior to 10th April of every year and since huge number of applications were received, therefore, the Council decided to adopt the measure so as to follow the directions of the Hon'ble Supreme Court.

It is also argued for the applicant that the allegation that the inspectors could not verify the documents etc is not directed towards the applicant. The concerned inspectors had to

perform their duties as per mandate of law, therefore, the said allegation has no basis qua the applicant.

It is further argued that allegations qua grant of approval to Rameshwar Prasad Satyanarayan Mahavidyalya, Ayodhya, U. P. have been created. The investigating agency has specifically crafted the aforementioned allegations by concealing that the aforementioned approval was passed in pursuance of the directions passed by the Hon'ble Delhi High Court vide order dated 20.03.2023. The preliminary inquiry continued for more than two years and yet the factum of aforementioned order having been passed by the Hon'ble Delhi High has been withheld in the FIR.

It is further argued that as per allegations, bribe of Rs. 10 lakhs in cash and additional sum of Rs. 95,000/- through banking channels was given to one Santosh Kumar Jha, a primary teacher in U. P. for managing the inspection/ obtaining approval and for arranging infrastructural facilities (books, setting up of lab, faculty and approval of PCI), but there is no evidence of payment of Rs. 10 lakhs. Even otherwise the applicant has no involvement in the aforementioned transactions nor the same is mentioned in the FIR. Till date, the IO has not collected any document or material to show any contact or transaction between the applicant and the remaining two accused persons named in the FIR.

It has also been argued that as per allegations only 23 institutes out of 870 institutes were found to have been in dilapidated condition etc and the aforesaid approval was not given by the applicant individually, but was given by the Central

Council as per law. As far as the allegation of approval having been given to six colleges despite negative reports of inspectors, the IO has concealed that three of the said colleges had filed appeal and inspections were again conducted and thereafter approval was given after a gap of some time. It is argued that even otherwise the said allegations are vague and baseless.

It has been argued that in the preliminary inquiry there was no material that applicant had received undue gains for himself or for others and yet in the report of preliminary inquiry it was concluded that applicant had received undue gains.

As far as the allegations of the DDG of NIC having joined the PCI, it has been argued that the MOU between PCI and NIC was executed in April, 2018, whereas, the applicant became President in 2022 i.e. four years after the execution of MOU and joining of public servant in another institute/ public/ statutory body post retirement does not amount to an offence.

It has been argued that in the FIR there is no allegation of the amount /quantum of bribe having been paid except for the allegation that sum of Rs. 10.95 lakhs was paid to one Santosh Kumar Jha, however, in its reply the IO has arrived at a imaginary figure of bribe of around 5,000/- crores being involved without any justification whatsoever, simply to create a hype so as to oppose the bail application.

Finally, it has been argued that applicant still continues to be the President of Pharmacy Council of India and Central Government has not removed him from the said post. Section 45 of The Pharmacy Act, 1948 provides for setting up of

Commission of Inquiry by the Central Government in case it appears that Central Council is not complying with any of the provisions of the Act and the said Commission shall consist of three persons i.e. two members to be appointed by Central Government and one being the Hon'ble Judge of High Court. The said provision makes the Act a complete code in itself. The central government being the supervisory body has not set up any such commission and the present proceedings are misuse and abuse of law.

At last, it has been argued that applicant is ready to abide by the terms and conditions and he is willing to join the investigation, however, in the given facts and circumstances of the case where the allegations on the face of it are false and baseless, the court may protect his personal liberty by granting anticipatory bail to him.

Arguments of Id. PP for CBI-

The Id. PP for CBI and Id. SPP for CBI vehemently opposed the bail application. They argued that the allegations against the accused are extremely grave as it involves allegations of bribe approximately amounting to Rs. 5,000/- crores. They also argued that accused / applicant is avoiding the process of law and he is concealing his presence. It has been argued that the accused concealed his address of Delhi during the preliminary inquiry and now he has left the said address alongwith his wife and minor daughters.

The Id. PP and Id. SPP for CBI argued that the accused / applicant was telephonically informed to join the investigation at the time of execution of search warrants, but he

did not join the investigation. The applicant has given his office address in the affidavit submitted alongwith the present application which shows that he is concealing his presence. It is also argued that the accused has destroyed a sim card and has further destroyed entire data from his mobile phone by using factory reset and had handed over the same to his driver Sh. Yogesh. Now, the aforesaid mobile phone has been recovered.

It has been argued that allegations against the accused that he had misused his position to give key posts to his associates and thereafter gave sanction / approval to hundreds of colleges without following due process of law requires his sustained interrogation so as to unearth necessary incriminating facts.

As regards, the involvement of bribe of Rs. 5000 crores is concerned, the ld. PP for CBI upon being informed by IO stated that the said amount has been mentioned on account of newspaper reports and other secret sources.

It is also argued that the initial complaint by the Under Secretary to GOI pertained to allegations against unknown persons, therefore, prior approval u/s 17A of The Prevention of Corruption Act could not have been taken and after discovering the role of applicant, the said approval has been granted by the competent authority.

The ld. PP for CBI also argued that the applicant/ accused is intentionally taking refuge behind the order dated 20.03.2023 passed by the Hon'ble High Court of Delhi so as to hide his criminal intent and acts. A diary has been recovered from accused Santosh Jha, wherein, he has recorded having

made payments to Pharmacy Council of India.

Thus, it has been argued that the present application may be dismissed.

Rebuttal Arguments-

In rebuttal, Id. Senior Advocate argued that the submissions of Id. PP for CBI about the quantum of bribe involved shows that it is purely fictitious and is totally without any basis. The same has only been mentioned in the reply so as to mislead the court.

Analysis and Conclusion-

8. Having considered the submissions, replies and documents as mentioned above, at first it is necessary to mention that this Court has to be guided by the golden principles as laid down by the Hon'ble Supreme Court in **Inder Mohan Goswami @ Another Vs. State of Uttaranchal and Others 2007 (12) SCC 1**, wherein, it was held that, “ *Just as liberty is precious for an individual so is the interest of the society in maintaining law and order. Both are extremely important for the survival of a civilised society.*”

9. In the present case, the allegations against the accused/applicant in the FIR are that he became the President of PCI in April, 2022. A complaint dated 15.03.2023 from the Under Secretary, Government of India was received in CBI and the preliminary inquiry was conducted for more than two years. Later on, the present FIR was registered on the letter of Inspector of Police, CBI containing conclusions arrived during the preliminary inquiry.

10. The aforementioned allegations on the face of it

appeared to be grave, but nonetheless in the course of proceedings of the present application, the IO was repeatedly asked to show existence of any material which could connect the accused / applicant with the allegations levelled against him, but he failed to show any such material.

11. At this juncture, it is necessary to note that the Hon'ble Supreme Court in **Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694**, held that, "*The nature of the accusation has to be balanced with the presumption of innocence and the right to personal liberty.*" Further in **Mahipal v. Rajesh Kumar (2020) 2 SCC 118**, the Hon'ble Supreme Court emphasized that while considering bail in serious offences, *courts must not only consider the gravity of the offence but the material on record should disclose a prima facie or reasonable ground to believe that the accused committed the offence.*

12. The above-mentioned decisions were recently followed by the Hon'ble Delhi High Court in **Arpit Mishra vs State (Govt. Of Nct Of Delhi) & Anr, Bail Application no. 1761/2025 dated 17.07.2025**, wherein it was held that, "*Undoubtedly, the offences alleged against the petitioner are serious in nature. However, the seriousness of the allegations alone cannot be a ground to deny anticipatory bail in the absence of cogent supporting material.*"

13. In the present FIR, it is alleged that Sh. Santosh Kumar Jha, a primary teacher had received a sum of Rs. 10.95 lakhs from accused Vinod Kumar Tiwari, but the replies of IO as well as contents of FIR are silent with respect to any connection having been found between the applicant and aforementioned

Santosh Kumar Jha or for that matter between the applicant and accused Vinod Kumar Tiwari. Moreover, it is also not alleged that the applicant had received any amount or had taken any favour from any of the other colleges which were given sanction during the relevant period.

14. It is not the case where investigation has just begun, infact a preliminary inquiry was conducted for a period of more than 2 years and 3 months. Admittedly, the accused/applicant joined the said inquiry on two occasions and his statement on that occasion was also recorded. Subsequently, pursuant to order dated 15.07.2025, the applicant had joined the investigation on three occasions. Other than that, the IO had moved an application for issuance of search warrants of all the three accused and vide order dated 01.07.2025 the application was allowed and as a consequence search proceedings were conducted at the two residential addresses of accused/applicant as well as at his office. However, till date still neither any direct evidence nor any other material could be collected to show connection between the applicant and other two accused persons. As per submissions of IO made today, accused Santosh Kumar Jha had also joined the investigation of this case and he was confronted with accused / applicant, but he stated that he did not know accused / applicant.

15. As per submissions / reply, a diary was discovered from accused Santosh Kumar Jha which contained notings with respect to payments made / received to different persons, but none of the said notings related to accused/ applicant. I have also perused the case diary of the IO relating to interrogation of accused/ applicant

by IO from 17.07.2025 to 19.07.2025 and there is nothing to show that accused / applicant had any connection whatsoever with the other two accused persons. Therefore, despite opportunities and having inquired / investigated the matter for more than 2 years and 4 months, the investigating agency has not been able to collect even iota of material to connect applicant/ accused with either of the other two accused persons or with any other college / authority vis-a-vis the allegations levelled in the FIR.

16. In the previous reply, a serious allegation was levelled that the present case involved bribe of the amount of Rs. 5000 crores, but upon the query of the court IO stated that the said amount was arrived at the instance of media reports / secret information. Today, it is alleged that the accused has properties of the worth of Rs.118 crores approximately. There is no doubt that the said allegations are serious, but in view of the law as mentioned above, it must be prima facie supported atleast by some evidence / material. However, despite repeated queries of the court, the IO could not specify as to how he had quoted the bribe amount of Rs. 5000 crores. The list of properties shown to have been purchased by applicant / accused to the tune of Rs. 118 crores does not specify as to who is the owner of the immovable properties or when the said properties were purchased (i.e. whether the said properties were purchased prior to accused becoming the President of PCI or they were infact purchased after that period.) In the said list, a donation of Rs. 5 crores is shown to have been made by applicant to some trust, but upon the query of the court, IO stated that he does not have any

material to substantiate the aforementioned allegations or even show that applicant had made such donation.

17. Further, perusal of case diary of IO vis-a-vis the interrogation of applicant shows that he was not confronted with the aforementioned facts. The said facts on the face of it makes the allegations qua the above stated quantum highly doubtful. The said fact on the contrary also makes one wonder that if such allegations were true, then as to how CBI was not able to find any material to support its allegations even after conducting inquiry / investigation for more than 2 years and 4 months.

18. During the course of arguments, it was also submitted that some entries were found to have been made in the bank accounts of father and sister in law of applicant, but surprisingly the applicant/ accused was not confronted with the aforementioned facts in the course of his interrogation nor the capacity of said persons to earn such money has been verified till date.

19. Even otherwise, the Id. Senior Advocate for accused has rightly argued that in the present case, the investigating agency ought to show that the aforementioned properties are infact the proceeds of bribe allegedly taken by the applicant. Whereas, there is absolutely no material to show that the applicant had taken any amount or favour from any person connected with discharge of his duties.

20. Therefore, the court is constrained to note that the prosecution / investigating officer have not been able to show any cogent material in support of allegations levelled against the accused/ applicant.

21. As regards the grounds of custodial interrogation as stated in the reply are concerned, admittedly, the accused/ applicant had joined investigation on three occasions and he had replied to almost all the questions. The IO had complete liberty to record each and every question / answer that he wanted to ask. The submissions that accused has not given his residential address does not make him at flight risk specially when he has joined the investigation. Even as per reply of IO, no recovery of article is to be effected from accused which can be admissible u/s 27 of Indian Evidence Act/23 (2) of BSA, 2023. As per IO, one mobile phone of applicant was seized during investigation and it is stated that the accused has destroyed the other phone, but on the contrary the defence alleges that the said phone is also in custody of IO. However, as the case may be, the said fact shows that even as per IO custodial interrogation of accused is not required for the purpose of recovery of mobile phone.

22. At the cost of repetition, it is necessary to note here that the search warrants of all accused were issued on the application of IO vide order dated 01.07.2025 and accordingly search was conducted at all the places on 02.07.2025. Thus, nothing is required to be recovered from possession of accused/ applicant.

23. Another important aspect that has to be highlighted here is the non-compliance of the mandate provided u/s 17-A of The Prevention of Corruption Act. The aforesaid section mandates that no enquiry, inquiry or investigation can be conducted into any offence alleged to have been committed by a public servant under this Act, where alleged offence is relatable to any recommendation made or decision taken by such public

servant in discharge of his official functions or duties, without the previous approval of the competent authority i.e. Central Government in this case.

24. On the last date, the Id. PP for CBI had argued that the process of taking prior approval u/s 17-A of the Act for conducting preliminary enquiry could not be initiated because of the fact that the allegations were not against any specific public servant. However, the said letter dated 15.03.2023 has been produced before me in the court today and the perusal of thereof shows that there were allegations against the present applicant. Therefore, the aforementioned submission of Id. PP for CBI is factually incorrect.

25. Even otherwise, the SOP's for processing of cases under section u/s 17-A of the Act having no. 428/07/2021/AVT.IV (B) issued by Government of India, Ministry of Personnel, Public Grievances and Pensions (DoPT) dated 03.09.2021 (clause 5.2) mandates that the appropriate government shall delegate powers for consideration of matters u/s 17-A as may be specified by such government.

26. It is also a settled proposition of law that a thing must be done in the manner it is required to be done by law. Therefore, the court is also bound to satisfy itself that the compliance of section 17-A of the Act *ibid* was made as per law. In this regard, perusal of the case diary of IO showed that it did not contain the aforementioned decision of approval and the IO had infact received a letter dated 20.06.2025 conveying the grant of approval by the competent authority against the accused/applicant. On the query of the court, the IO stated that the order

of grant of approval was not received nor he can produce the same in the court today or later on. Thus, as a result, this Court cannot examine as to whether the aforementioned approval (as mentioned in letter dated 20.06.2025) was granted as per the SOP's or not.

27. Thus, in the end, it has to be said that the IO/prosecution has not been able to substantiate even a single set of allegations levelled under the PC Act against applicant. The FIR shows that all the allegations have been levelled against the applicant, even though all the decisions were taken by the Executive Body or Central Council consisting of several other members. The accused/ applicant has already joined the investigation and no circumstance has been shown which necessitates or requires his custodial interrogation.

28. It is also required to be noted that the offences alleged against the accused are punishable with maximum imprisonment which is extendable to seven years. In **Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273**, the Hon'ble Supreme Court laid down guidelines with respect to arrest of accused in offences punishable with imprisonment of 7 years or less. It was held that, *"7.1. From a plain reading of the aforesaid provision, it is evident that a person accused of an offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years with or without fine, cannot be arrested by the police officer only on his satisfaction that such person had committed the offence punishable as aforesaid. A police officer before arrest, in such cases has to be further satisfied that such arrest is necessary to prevent such person*

from committing any further offence; or for proper investigation of the case; or to prevent the accused from causing the evidence of the offence to disappear; or tampering with such evidence in any manner; or to prevent such person from making any inducement, threat or promise to a witness so as to dissuade him from disclosing such facts to the court or the police officer; or unless such accused person is arrested, his presence in the court whenever required cannot be ensured. These are the conclusions, which one may reach based on facts.”

29. The Courts are under bounden duty to strike a fair balance vis-a-vis the protection of personal liberty of an individual / right of investigating agency for fair investigation. In my considered opinion, this Court will fail in its duty, if the personal liberty of the applicant /accused is not protected in view of the aforementioned proposition of law and the facts at hand, specially when the allegations are prima facie not supported by any cogent material.

30. Thus, in view of the aforementioned discussion, the present application is allowed. It is directed that in the event of arrest of accused/ applicant Dr. Montu Kumar Patel, the IO shall release him upon applicant/ accused furnishing bail bonds and surety bonds in sum of Rs. 1 lakh to the satisfaction of IO.

31. In addition, the application is allowed subject to following conditions as well i.e.:

(a) Applicant shall join the investigation as and when directed by the IO;

(b) Applicant shall not leave the country without prior permission of the Court;

(c) Applicant shall not tamper with the evidence or influence any of the witnesses in any manner, failing which the IO / investigating agency shall be at liberty to move appropriate application for cancellation of bail; &

(d) Applicant shall furnish all the necessary details vis-a-vis his present address / changed address (in case he changes his address in future).

32. The application stands disposed off. Dasti copy of the order be given to the IO as well as to Id. Counsel for accused/ applicant.

SUSHANT CHANGOTRA
Special Judge (PC Act) CBI-22
Rouse Avenue Courts,
New Delhi/23.07.2025