



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous Bail Application No. 6241/2025

Rajesh Kumar Meena S/o Bhagwan Sahay Meena, Aged About 35 Years, R/o Naagal Sherpur, Post Naagal Sherpur, Todabhim, Dist. Karauli, Rajasthan. (At Present Accused Is Confined In Central Jail, Jaipur).

----Petitioner

Versus

State Of Rajasthan, Through Special PP, CBI

----Respondent

For Petitioner(s) : Mr. Swadeep Singh Hora with
Mr. Tara Chand Sharma
Mr. Sahajveer Baweja
Mr. Siddhant Choudhary

For Respondent(s) : Mr. Jag Mohan Saxena, Special PP
For Central Bureau of Investigation
with Mr. Chinmaya Saxena
Mr. Rakesh Kumar Prajapati, IO

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

DATE OF PRONOUNCEMENT :: 24/09/2025

1. The instant bail application under Section 483 of BNSS has been filed on behalf of the petitioner, who has been arrested in connection with FIR No.RC. 030 2022 A 0003 dated 13.04.2022 registered at Police Station CBI ACB Jaipur, District Jaipur for the offence punishable under Sections 409, 420 and 120B of IPC. After completion of investigation, police filed charge-sheet in this matter for the offences punishable under Sections 120B/409 & 420 of IPC & Section 13(2)/13(1)(c)(d) & Section 13(2)/13(1)(a) of Prevention of Corruption Act, 1988.



2. It is contended by learned counsel for the petitioner that petitioner has falsely been implicated in this case. Learned counsel submits that without making the arrest of the co-accused, they have been charge-sheeted in the present case. In these circumstances, petitioner is also entitled to be released on bail as he is in custody since 09.04.2025 and charge-sheet has already been filed in the court concerned. Another submission of the counsel is that initially, his bail application was denied saying that investigation is pending and said order is under challenge in this bail application. Since petitioner completed 90 days in custody, he filed separate application for grant of default bail before the trial court as no supplementary charge-sheet has been filed against him during this period but said bail plea has been rejected observing that since charge-sheet has already been filed against the petitioner before his arrest under the provisions of Section 299 CrPC., this default bail application is not maintainable. He submits that these two contradictory orders of same court are causing serious prejudice to the petitioner as his personal liberty is on stake. Another legal submission advanced by learned counsel Mr. Hora is that till date, the investigating agency has not obtained prosecution sanction from the competent authority and has not presented it before the trial court, in absence of which the trial court has not taken cognizance in the matter and in absence thereof, further judicial custody of the applicant is illegal in view of provisions of Section 309 Cr.P.C. Charge sheet has already been filed and trial of the case will take considerable time in its conclusion. Further custody of the petitioner would not serve any





fruitful purpose. Lastly he submits that it is a settled position of law that, grant of bail is a rule whereas its refusal is an exception.

Learned counsel has placed reliance on the following judgments:-

- i. CBI v. Rathin Dandapat reported in (2016) 1 SCC 507
- ii. State through CBI v. Dawood Ibrahim & Ors. reported in (2000) 10 SCC 438
- iii. Chitra Ramkrishna v. CBI through IO reported in 2022 SCC OnLine Del 3124
- iv. CBI v. Chitra Ramkrishna reported in 2023 SCC OnLine SC 1168
- v. Himanshu @ Himanshu Verma v. Directorate of Enforcement: SLP (Crl.) No.2438/2024
- vi. State represented by Inspector of Police v. N.M.T. Joy Immaculate.

3. Shri Jagmohan Saxena, learned senior counsel appearing for CBI vehemently opposes the submissions made by the counsel for the petitioner. He submits that petitioner is the main culprit. The conduct of the petitioner also deprives him of the right to bail as despite repeated summons, he did not participate in investigation which badly affected the investigation process.

4. So far as the non-arrest of other accused is concerned, he submits that they fully cooperated in the investigation process and their role was of supervisory negligence. Further there is no allegations against them that they transferred amount to their accounts or their family members. He further submits that many witnesses in this case who are family members of the petitioner have clearly stated that the petitioner transferred huge amounts of money into their accounts and used their accounts for himself. Apart from this, the petitioner also transferred huge amount of money to the bank accounts of other people and spent in





gambling, which is clearly evident from the statements of the witnesses. The amount misappropriated by the petitioner is approximately Rs. 365 crores, which is hard-earned money of the general public. He submits that it has been held by Hon'ble Supreme Court in catena of judgments that while dealing with the economic crimes, courts should act strictly.

5. I have considered the contentions.

6. Firstly, this Court would like to consider the arguments advanced by the learned counsel for the applicant regarding default bail and further custody in the absence of cognizance after filing of the charge sheet. There are two provisions in the CrPC to extend remand of an accused. At the stage of investigation, there is provision under Section 167 Cr.P.C. (Section 187 BNSS) for remand and after filing of charge-sheet, judicial remand would be extended under the provisions of Section 309 Cr.P.C. (Section 346 BNSS) for which cognizance is pre-condition. In an almost identical fact case of **Judgebir Singh & Ors. Vs. National Investigation Agency** reported in **(2023) 17 SCC 48**, the Hon'ble Supreme Court, has held that after filing charge sheet, the accused would remain in custody of the court. The relevant paragraphs are reproduced hereinbelow for the sake of ready reference:-

52. While summarising the legal propositions in Ashok Kumar Aggarwal (supra) in para 16, this Court observed as under:-
"16.1. The prosecution must send the entire relevant record to the sanctioning authority including the FIR, disclosure statements, statements of witnesses, recovery memos, draft charge-sheet and all other relevant material. The record so sent should also contain the material/document, if any,





which may tilt the balance in favour of the accused and on the basis of which, the competent authority may refuse sanction

16.2. The authority itself has to do complete and conscious scrutiny of the whole record so produced by the prosecution independently applying its mind and taking into consideration all the relevant facts before grant of sanction while discharging its duty to give or withhold the sanction

16.3. The power to grant sanction is to be exercised strictly keeping in mind the public interest and the protection available to the accused against whom the sanction is sought

16.4. The order of sanction should make it evident that the authority had been aware of all relevant facts/materials and had applied its mind to all the relevant material

16.5. In every individual case, the prosecution has to establish and satisfy the court by leading evidence that the entire relevant facts had been placed before the sanctioning authority and the authority had applied its mind on the same and that the sanction had been granted in accordance with law.”

53. It is, therefore, very much necessary that the evidence collected by the investigating agency in the form of chargesheet is thoroughly looked into and thereafter, the recommendations are made. The investigating agency gets full 180 days to complete the investigation and file its report before the competent court in accordance with Section 173(2) of the CrPC. If we accept the argument canvassed on behalf of the appellants, it comes to this that the investigating agency may have to adjust the period of investigation in such a manner that within the period of 180 days, the sanction is also obtained and placed before the court. We find this argument absolutely unpalatable.

54. This Court in the case of Suresh Kumar Bhikamchand Jain (supra) had the occasion to consider in detail the question whether cognizance of the chargesheet was necessary to prevent the accused from seeking default bail or whether mere filing of the chargesheet would suffice for the investigation to be deemed





complete. The petitioner in the said case was arrested on 11.03.2012 on the allegation of misappropriation of amounts meant for development of slums in Jalgaon City. The petitioner therein was accused of committing offences punishable under Sections 120B, 409, 411, 406, 408, 465, 466, 468, 471, 177 and 109 read with Section 34 IPC and also under Section 13(1)(c), 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988. The contention of the petitioner therein was that he could not have been remanded to custody in view of cognizance not being taken for want of sanction within the statutory period of 90 days. The scheme of the provisions relating to remand of an accused first during the stage of investigation and thereafter, after cognizance is taken, indicates that the legislature intended investigation of certain crimes to be completed within the period prescribed therein. This Court held that in the event of investigation not being completed by the investigating authorities within the prescribed period, the accused acquires an indefeasible right to be granted bail, if he offers to furnish bail. This Court was of the firm view that if on either the 61st day or the 91st day, an accused makes an application for being released on bail in default of chargesheet having been filed, the court has no option but to release the accused on bail. However, once the chargesheet was filed within the stipulated period, the right of the accused to statutory/default bail came to an end and the accused would be entitled to pray for regular bail on merits. It was held by this Court that the filing of chargesheet is sufficient compliance with the provisions of proviso (a) to Section 167(2) of the CrPC and that taking of cognizance is not material to Section 167 of the CrPC. The scheme of Cr.P.C is such that once the stage of investigation is completed, the court proceeds to the next stage, which is the taking of cognizance and trial. **During the period of investigation, the accused is under the custody of the Magistrate before whom he or she is first produced, with such Magistrate being vested with the power to remand the accused to police custody and/or judicial custody, up to a maximum period as prescribed under Section 167(2) of the CrPC. Acknowledging the fact that an accused has to remain in custody of some court, this Court concluded that on filing of the chargesheet within the stipulated period,**





the accused continues to remain in the custody of the Magistrate till such time as cognizance is taken by the court trying the offence, when the said court assumes custody of the accused for purposes of remand during the trial in terms of Section 309 of the CrPC. This Court clarified that the two stages are different, with one following the other so as to maintain continuity of the custody of the accused with a court.



7. In view of the aforesaid factual position and law laid down by Hon'ble Apex Court in almost identical fact case (referred to supra), I do not find any force in the submission of learned counsel for the petitioner. So far the other submissions raised by the counsel for the petitioner are concerned; this Court would like to mention the prosecution case set up in the charge sheet by the CBI against the petitioner. The petitioner while posted as Cash Officer at SBI, BO Mehandipur Balaji had shown /entered cash amount of Rs.3.15 Crores approx. in denomination of coins in place of received currency notes through 26 cash remittance transactions from Chest Branches. He had shown/entered cash amount of Rs.3.61 Crores approx. in denomination of coins in place of currency notes deposited by various customers in their accounts in day-to-day bank business affairs. He also deposited misappropriated currency notes or coins without receiving cash physically total worth of Rs.3.65 crores approx. in the bank account of his family members/relatives/known persons.

8. It is clear from the facts and evidence mentioned in the charge sheet that the petitioner was working on the post of cashier and was directly dealing with the deposits made by the



customers of the bank and was responsible for depositing the same in the respective accounts in the proper manner. However, by falsifying documents and transferring the funds to the accounts of his family and acquaintances, he misappropriated a significant amount of public money for his own personal gain, severely damaging the bank's reputation. Furthermore, he did not cooperate with the investigation. It is a settled position of law that, grant of bail is a rule whereas its refusal is an exception. The question whether bail should be granted in a case has to be determined on the basis of the facts and circumstances of that particular case. There can be no strait jacket formula or settled rules for exercise of discretion but the discretion to grant bail in the case of a non-bailable offence has to be exercised in accordance with the rules and principles laid down by the Code of Criminal Procedure and various judicial precedents. There cannot be a set formula for considering the plea of bail of an accused. It all depends upon the facts and circumstances relevant to the case.

9. Economic offences should be dealt with differently during bail considerations because they constitute a distinct class of crime with deep-rooted conspiracies, huge loss of public funds, and a significant negative impact on the nation's economic fabric. Courts should view these offences seriously, especially looking to the fact that such offences are committed to gain more and more profit, to become rich quick such criminal even has no problem to cause problem for the whole society, affect safety and security of life of societal members, misappropriation of public exchequer and ultimately affect completely well-being of society at large. In the





way to accumulate money and to get physical commodities, life, property and well-being of common persons have no value. Criminal acts committed by such persons are creating a serious challenge before criminal justice system. Therefore, economic offences are considered grave offences as it affects the economy of country as a whole and such offences having deep rooted conspiracy and involving huge loss of public fund are to be viewed seriously. Economic offences are committed with cool calculation and deliberate design solely with eye on personal profit regardless of the consequence to the community. In such type of offences, while granting bail, the Court has to keep in mind, inter alia, the larger interest of public and state. The nature and seriousness of an economic offence and its impact on society are always important considerations in such a case and those aspects must squarely be dealt with by the Court while passing an order on bail application.

10 The case of the present petitioner cannot be said to be at par with the co-accused as there is no allegation against them that they transferred amount to their bank accounts or their family members so also they fully cooperated in the investigation. So far as the judgments relied upon by counsel for the petitioners are concerned, they have been passed in different factual matrix and are not relevant to the present case.

11. Thus, in wake of above discussion and in the totality of the facts and circumstances of the present case as also the detailed role attributed to the accused petitioner in the charge sheet that crores of rupees has been transferred by him into the bank





accounts of his family members, relatives and known persons and also not cooperated in the investigation, but without commenting anything on the merits of the present case, I am not inclined to enlarge the petitioner on bail. Hence, same is rejected.

12. The observation made hereinabove is only for decision of the instant bail application and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J

GAUTAM JAIN /240(s)

