Sanjay Chandra v. CBI

Whether bail can be refused to accused in a large economic offence on the ground of its gravity and size.

Date of Order: April 23, 2012
Case Law No: GIB-SC-2011-01
Source: GST INDIA Biz (www.gstindia.biz)

CASE DESCRIPTION / SUMMARY

Background

The appellants, accused in the 2G spectrum case, had been in custody for many months while the trial was pending. The CBI opposed bail on the ground that the case involved a massive economic fraud causing heavy loss to the exchequer. The Court had to decide whether the gravity of an economic offence is by itself a reason to deny bail.

Final Verdict

The Court held that the object of detention is to secure attendance at trial, not to punish before conviction. **The grant of bail is the rule and committal to jail is the exception, and the seriousness of the charge, though relevant, is not the only test.** The Court rejected the view that economic offences form a separate class requiring denial of bail, and noted that the accused were not flight risks, investigation was complete and the charge-sheet filed.

Bail was granted subject to conditions, including that the appellants surrender their passports, appear before the trial court and not dispute their identity, with liberty to the CBI to seek recall if they breach the conditions. The Court was careful to say that these observations were made for the bail question alone.

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