

A.F.R.



IN THE HIGH COURT OF ORISSA AT CUTTACK
BLAPL NOs.6437 & 6342 of 2025

(In the matter of applications under Section 483 of
BNSS, 2023).

Chintan Raghuvanshi ... **Petitioners**
(In BLAPL No.6437 of 2025)
Bhakti Binod Behera
(In BLAPL No.6342 of 2025)

*Mr. A.K. Parija, Sr. Advocate &
Mr. S.C. Mohapatra, Sr. Advocate
along with Mr. L. Mishra, Advocate
(in BLAPL No.6437 of 2025)
Mr. C.R. Kanungo, Advocate
(in BLAPL No.6342 of 2025)*

-versus-

Republic of India (CBI) ... **Opposite Parties**
(In BLAPL No.6437 of 2025)
Union of India
(In BLAPL No.6342 of 2025)

Mr. S. Nayak, Advocate (CBI)

CORAM:

JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT: 23.07.2025 (ORAL)

G. Satapathy, J.

1. Since these two bail applications arise out of one and same case record, the same are taken up together and disposed of by this common order with the consent of the learned counsel for the parties.



2. These are bail applications U/S.483 of the BNSS by the petitioners for grant of bail in connection with SPE, CBI, Bhubaneswar Case No.RC0152025A0005 pending in the file of learned Special Judge, CBI-1, Bhubaneswar, for commission of offences punishable U/S.7A of Prevention of Corruption Act, on the allegation of obtaining/accepting undue advantage in the form of bribe of Rs.20 Lakhs as a part of demanded amount, from the informant for not attaching or arresting him and to settle ED Case No.ECIR/ BBZO/ 20/ 2020, which was registered against the informant.

3. In the course of hearing, Mr. Ashok Kumar Parija, learned Senior Counsel appearing along with Mr. Soura Chandra Mohapatra, learned Senior Counsel, who are being assisted by Mr. Lalitendu Mishra, learned counsel for the petitioner in BLAPL No.6437 of 2025 submits that the informant in this case is a history-sheeter having 13 to 14 FIR lodged against him and in order to get rid of the cases lodged by the ED, the informant has illegally framed the petitioner in this case with the assistance of the CBI by manufacturing a case



against him. It is also submitted for the petitioner that the petitioner himself has appeared before the CBI office at about 1.30 AM in the intervening night of 29/30.05.2025 in connection with the case and, thereafter, he was arrested, but the CBI has never sought for any custodial interrogation of the petitioner and since the investigation has progressed substantially, the possibility of influencing the witnesses by the petitioner does not arise. In inviting to the averments of para-6 of the objection of the CBI, Mr. Parija, learned Senior Counsel submits that there is in fact no case made out against the petitioner since the aforesaid averment never reveals about the petitioner demanding or accepting bribe nor any bribe was recovered from the possession of the petitioner, who having availed interim bail has surrendered to custody after expiry of the interim bail and, thereby, he does not pose any flight risk nor is there any material to suggest that the petitioner would interfere in the investigation. Accordingly, Mr. Parija, learned Senior



Counsel prays to grant bail to the petitioner on any stringent condition.

3.1. In echoing the submission as advanced for the petitioner in BLAPL No. 6437 of 2025, Mr. Chitta Ranjan Kanungo, learned counsel for the petitioner in BLAPL No.6342 of 2025 submits that the FIR does not disclose anything about the petitioner to have demanded or accepted the bribe and he having detained in custody for 54 days may kindly be granted the benefit of bail. Mr. Kanungo further submits that the offence alleged against the petitioner being punishable maximum up to seven years, the petitioner should have been granted bail in view of the dictum recorded by the Apex Court in ***Satendra Kumar Antil Vrs. Central Bureau of Investigation; (2022) 10 SCC 51***. It is also submitted by Mr. Kanungo that since the offence is not punishable beyond seven years, the Investigating Agency-cum-CBI should have allowed the petitioner to go on by serving a notice U/S.35(3) of BNSS. It is also submitted for the petitioner that during the custody period of the petitioner, his wife was



served with a notice by the CBI, but due to her illness, she could not appear before the CBI, however, no custodial interrogation of the petitioner has been sought for by the CBI and investigation having progressed substantially, there would not be any impediment to grant of bail to the petitioner. Accordingly, Mr. Kanungo prays to grant bail to the petitioner.

3.2. In refuting the submissions as advanced for the petitioners, Mr. Sarthak Nayak, learned counsel appearing virtually for the CBI, however, strongly opposes the bail application of the petitioners by *inter-alia* contending that not only the petitioners are posing flight risks, but also they are influential persons and can influence the investigation by gaining over the witnesses. Mr. Nayak also submits that there is allegation against the petitioner-Chintan Raghuvanshi for threatening the informant to extract the bribe money and the petitioner having meticulously executed his plan by demanding/accepting the bribe through co-accused should not be taken lightly, since his role is



very much important in this case and the CBI official has got prima facie materials against both the petitioners. It is also argued by Mr. Nayak that since the petitioner-Chintan Raghuvanshi himself has threatened the informant by saying that he is having properties worth Rs. 500 to 600 Crores at Bhubaneswar, the ill-gotten money of the petitioner needs to be investigated and the release of the petitioner at this stage would definitely hamper such prospect. While concluding his argument, Mr. Nayak further submits that merely because the petitioner-Chintan Raghuvanshi was not found to have influenced the witnesses during interim bail, it does not give an impression that he would not do it in future and he being an influential person can influence the witnesses and, therefore, his bail application should be turned down.

4. After having considered the rival submissions upon perusal of record, it is not in dispute that the investigation has progressed a lot, but the petitioners are inside the jail custody and there is no



immediate prospect of trial. However, an accused person in criminal law has an inherent right to be presumed innocent until proven guilty at the trial. Right now the investigation is going on, but as to when the trial would commence is not known and it would be undesirable to keep a person in confinement on the expectation that the trial would commence on one day, unless there appears strong prima facie material against such accused person and the offences are punishable with imprisonment for life or death. Besides, the petitioners are in custody for about 50 days or more, but the punishment prescribed for the offence as admitted by the learned CBI counsel is not beyond seven years, rather the minimum punishment is three years. In addition, admitting a person to bail should not be confused with letting such person to have been acquitted inasmuch as granting bail would only secure the liberty of a person for a temporary period until the accused person is found guilty of the offence. Moreover, the paramount consideration in granting bail is securing attendance of the accused at the trial by taking surety.



It is also not to be forgotten that bail is the rule, but jail is the exception, which follows from the right of the accused to be presumed innocent until proven guilty at the trial.

5. In this case, the petitioner-Chintan Raghuvanshi is a Government official and, thereby, there would not be any difficulty to secure his attendance at the trial, but even if considering the argument of the CBI counsel to consider the petitioner to be a flight risk, such apprehension can be curbed by imposing appropriate conditions like directing the petitioners to deposit their passports or not leave the territorial jurisdiction of the trial Court without prior permission till disposal of the case. On a conspectus of materials placed on record, it is found that both the petitioners were arrested from different places on different times and the tainted money was recovered from a vehicle allegedly belonging to the petitioner-Bhakti Binod Behera. The allegation against the petitioner-Chintan Raghuvanshi in this case is for receiving or obtaining illegal gratification through co-



accused and the vital item of evidence against him is his alleged conversations with the informant and co-accused through phone. Of course, the CBI counsel also alleges about the availability of direct allegation against the petitioner-Chintan Raghuvanshi, however, this Court feels it necessary to refer to the averments made by the CBI in its objection to unearth allegation against the petitioners. The relevant averment has been discussed in paragraph-6 of the affidavit objection dated 01.07.2025 of the CBI, which reads as under:-

"6. That, the conversation recorded during verification inter alia establish clear demand of bribe by Sh. Bhakti Binod Behera. In the recorded conversation it is seen that accused Sh. Bhakti Binod Behera is giving all kinds of assurance on behalf of accused Sh. Chintan Raghuvanshi for extending the favours / benefits in the ED Case pending against the complainant in lieu of the demanded bribe amount. Evidences collected during investigation has established beyond doubt that Sh. Bhakti Binod Behera accepted the bribe money on behalf of Sh. Chintan Raghuvanshi. Further, the recovery of said tainted bribe money was made from the Thar Vehicle of Sh. Bhakti Binod Behera in the presence of independent witnesses. As such, all the elements of trap case i.e. demand, acceptance and recovery are established on the part of accused Sh. Bhakti Binod Behera. There is no rebuttal on the part of Shri Bhakti



Binod Behera for the demand, acceptance and recovery of bribe in lieu of giving relief to the complainant in his ED case."

6. It is also clarified by the CBI in the affidavit that in the course of the investigation, both the petitioners had provided the password of their mobile phones, which itself suggests that the petitioners are cooperating. Further, the petitioner-Chintan Raghuvanshi has also not misused the liberty granted to him in the form of interim bail, which strengthens his contention for bail. True it is that bail cannot be refused, even if there appears prima facie case against the petitioner provided the accused makes out a case for grant of bail. It is also an admitted fact that CBI has never sought for any custodial interrogation of the petitioners. Further, it is held by Apex Court in paragraph-51 in ***Satendra Kumar Antil(supra)*** that if the Court is satisfied, after taking into account, on the basis of information placed before it, that the accused has his roots in the community and is not likely to abscond, it can safely release the accused on his personal bond. It is also well settled principle that while



granting or refusing of bail to a person accused of an offence, one of the factors that is to be looked into is the nature of the accusations and the severity of punishment in case of conviction and it is not the rule that bail should be denied in a case of economic offences.

7. In view of the discussions made hereinabove and taking into consideration the rival submissions and on going through the materials placed on record and the punishment that would entail in conviction for the offences as alleged against the petitioners and the law laid down by the Apex Court in ***Satendra Kumar Antil (supra)***, this Court without expressing any view on merits considers it proper to admit both the petitioners to bail.

8. Hence, these two bail applications of the petitioners namely Chintan Raghuvanshi in BLAPL No.6437 of 2025 and Bhakti Binod Behera in BLAPL No.6342 of 2025 are allowed and each of the petitioners is allowed to go on bail on furnishing bail



bonds of Rs.1,00,000/- (Rupees One Lakh) with two solvent sureties for the like amount to the satisfaction of the learned Court in seisin of the case on such terms and conditions as deem fit and proper by it with following conditions:-

(i) the petitioners shall not commit any offence while on bail,

*(ii) the petitioners in the course of trial shall attend the trial Court on each date of posting without fail unless their attendance is dispensed with. **In case the Petitioners fail without sufficient cause to appear in the Court in accordance with the terms of the bail, the learned trial Court may proceed against the Petitioners for offence U/S.269 of BNS, 2023 in accordance with law,***

(iii) the petitioners shall not leave the country without prior permission of the learned trial Court till disposal of the case by intimating their present address of stay to the concerned Court,

(iv) the petitioners shall inform the Court as well as the IO as to their places of residence during the trial by providing their mobile number(s), residential address, e-mail, if any, and other documents in support of proof of their residence,

(v) in case the petitioners misuse the liberty of bail and in order to secure their presence, proclamation U/S.84 of BNSS is issued and the petitioners fail to appear before the Court on the date fixed in such proclamation, then, the



learned trial Court is at liberty to initiate proceeding against them for offence U/S.209 of the BNS in accordance with law,

(vi) the petitioners shall appear before the IO as and when required and shall cooperate with the further investigation in the present case,

(vii) the petitioners shall surrender their Passports, if any, in the Court in seisin of the case till conclusion of trial, unless they are permitted to take back such Passports to use for specific purpose during the pendency of case.

(viii) This Court reserves liberty to the CBI to make an appropriate application for modification/recalling the order passed by this Court, if for any reason, the petitioners violate any of the conditions imposed by this Court.

It is clarified that the Court in seisin of the case will be at liberty to cancel the bail of the petitioners without further reference to this Court, if any of the above conditions are violated or a case for cancellation of bail is otherwise made out. In the wake of aforesaid, the subsequent involvement of the petitioners in future for similar/grave offences on prima facie accusations may be treated as a ground for cancellation of bail in this case.



9. Accordingly, these BLAPL Nos.6437 and 6342 of 2025 stand disposed of. Issue urgent certified copy of the order as per Rules.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 23rd day of July, 2025/Subhasmita*