

IN THE SUPREME COURT OF INDIA
CRIMINALL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1087 OF 2009
(Arising out of SLP (Criminal) No.2699 of 2009)

Virender Kumar Yadav

...Appellant(s)

Versus

C.B.I.

...Respondent(s)

ORDER

Leave granted.

Challenge in this appeal is to the order dated 18th March, 2003 passed by the High Court of Judicature at Allahabad in Criminal Miscellaneous (Second) Bail Application No.31397 of 2008. By the impugned order the High Court has rejected the Second Bail Application preferred by the appellant, who is facing trial for offences punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code as also under the provisions of the Prevention of Corruption Act.

We have heard learned counsel for the appellant.

It is submitted by learned senior counsel appearing on behalf of the appellant that the appellant is in custody since 14th September, 2007 and that after the filing of the charge sheet on 19th April, 2007 there has been no progress in the trial. Learned counsel has also pointed out

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that one of the co-accused, namely, Rajender Singh, Assistant Manager of the Bank has already been granted bail vide order dated 7th January, 2008. Learned senior

counsel appearing on behalf of the C.B.I., on the other hand, submits that the charges against the appellant being serious involving embezzlement of crores of rupees, the appeal deserves to be dismissed.

Having regard to the facts and circumstances of the case and bearing in mind the fact that after the filing of charge sheet on 19th April, 2007, there has been no progress in the trial, we are of the opinion that it is a fit case where the benefit of bail deserves to be extended to the appellant.

Accordingly, the appeal is allowed; the impugned order is set aside and it is directed that the appellant shall be admitted to bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees fifty thousands only) with two sureties in the like amount to the satisfaction of the trial court.

.....J.

(D.K. JAIN)

.....J.

(R.M. LODHA)

New Delhi,
MAY 15, 2009.

JUDGMENT