

Case called.

Accused No.1 is present before the court. His counsel is present and files bail application under Sec. 439 of Cr.P.C. with Sec. 45 of PML Act. Learned Spl. PP is present and files objection opposing the bail application.

Heard both sides. Perused the records.

In this case this court took cognizance, on the said complaint and issued summons to the accused Nos.1 to 3 and accused No.1 did not appear and filed the application seeking exemption under Sec. 317 of Cr.P.C. which was rejected by this court and NBW was issued against him vide order dated 17.09.2018.

After issuance of NBW, accused No.1 preferred Crl. Petition before Hon'ble High Court of Karnataka in Crl. Petition No.7944/2018 wherein Hon'ble High Court has suspended NBW issued against him and since 27.10.2018 till the date of 09.01.2020, this case was adjourned for awaiting further orders from Hon'ble High Court and thereafter this court taking note of the guidelines issued in the case of Asian Road Agency Vs CBI by the Hon'ble Supreme Court of India, ordered for bailable warrant against the accused and Learned Spl.PP insisted for summoning accused No.1 and accordingly accused No.1 was summoned and directed to appear before this court today i.e. 13.07.2021 and accordingly accused is present before the court and filed the bail application enlarging him on bail.

Learned PP submitted that as per Sec. 45 of PML Act, this accused is not entitled to enlarge on bail. He has relied upon the judgment of Hon'ble Supreme Court of India in the case of Gowtham Kundu Vs Manoj Kumar.

Admittedly, the criminal petition is pending before Hon'ble High Court of Karnataka for consideration, and further Learned Spl. PP submitted that this court may proceed to frame the charge against the accused in order to have progress in the matter, pendency of criminal petition before the Hon'ble High

Court of Karnataka will not affect in any way to proceed with the case because there is no stay of proceedings and it is only order of issue of NBW has been suspended, therefore this court is of the opinion that keeping the bail application in abeyance, till disposal of criminal petition before the Hon'ble High Court of Karnataka, this court may proceed to frame the charge.

For hearing on framing of charge by 22/07/2021.

XLVI Addl. City Civil and Sessions Judge
and Special Judge for CBI Cases,
Bengaluru.