RESERVED/AFR

2026:AHC-LKO:42873

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

APPLICATION U/s 482 No. - 2459 of 2026

Baldev Raj Arora

…..Applicant(s)

Versus

Cbi/ Acb Lko.

…..Opposite Party(s)

Counsel for Applicant(s)	:	Pranjal Jain, Aishwarya Saxena, Rohit Kanaujiya
Counsel for Opposite Party(s)	:	., Aakash Prasad

Judgment Reserved On: 16.04.2026

Judgment Pronounced On: 02.07.2026

Court No. - 14

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Purnendu Chakravarty Senior Advocate assisted by Sri Pranjal Jain and Sri Pratyush Shahi Advocates, the learned counsel for the petitioner, Sri Aakash Prasad assisted by Sri Shashwat Dwivedi and Sri Ishan Khanna Advocates, the learned counsel for the opposite party-Central Bureau of Investigation and perused the records.

2. By means of the instant application filed under Section 482 Cr.P.C. the petitioner has prayed for modification of a condition imposed in the order

dated 19.12.2013, passed in Bail Application No.7625 of 2013, whereby while ordering release of the applicant on bail, he was directed to deposit a sum of Rs.64,00,000/- in the form of a fixed deposit in a nationalized bank in favour of the Airports Authority of India. It was specified that the bail order would be operative only when the amount of Rs.64,00,000/- is deposited in terms of the order. The fixed deposit was directed to be renewed from time to time till conclusion of trial and it is subject to the orders of the trial court.

3. The present case arises out of F.I.R. No. RC0062011A0013, dated 15.07.20112 alleging corruption in submission of forged bills for supply of cement to the Airports Authority of India during execution of a project called “Expansion of Apron, Construction of Additional Taxiway and Allied Works at Varanasi Airport” alleging a wrongful loss of Rs.25,74,065/-, which was lodged against seven accused persons, five government servants and a company/consortium. The applicant was not named in the F.I.R.

4. The applicant was a Director of M/s B. R. Arora Private Limited, a Constituent Member of M/s Bright Aracon, which is said to have submitted inflated bills. It came to light during investigation that the applicant had played an important role in commission of the offence and, therefore, he was also arraigned as an accused in the charge-sheet forwarded to the learned trial court on 30.10.2013 for the offences under Sections 120-B, 420, 468, 471 IPC and Sections 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. The trial court took cognizance of the offences on 12.11.2013. On 19.12.2013 this Court had passed the order enlarging the applicant on bail.

5. On 14.04.2015 the trial court framed charges for offences under Sections 120-B, 420, 468, 471 IPC and Sections 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 against the five government servants. The petitioner has been charged for commission of

offence under Section 420 IPC only and he has been discharged of all the other charges.

6. The CBI has filed a counter affidavit *inter alia* stating that it had challenged the order dated 14.04.2015 passed by the trial Court by filing Criminal Revision Defective No.176 of 2016 in which notices were ordered to be issued to the opposite parties on 26.02.2016. However, the delay in filing the revision has not been condoned till date, the revision has not been admitted and no interim order has been passed in the said revision.

7. The counter affidavit further states that the then Chairman of Airports Authority of India has been examined as PW-1. He stated that initially he had declined to grant sanction for prosecution of the accused government servants but after three-four months he reviewed his earlier decision on the basis of advisory report of Chief Vigilance Commission and granted sanction for prosecution of the accused government servants vide sanction order dated 01.10.2013. Thereafter, the accused government servants moved an application questioning the validity of the prosecution sanction order. This application was rejected by the trial court by means of an order dated 06.01.2018. Three accused persons challenged the order dated 06.01.2018 by filing an application under Section 482 No.3274 of 2018, which was allowed by means of an order dated 17.12.2021 holding that the prosecution sanction order dated 01.10.2013 was invalid as the sanctioning authority had no power to review or reconsider its earlier order refusing to grant sanction for prosecution and also that no fresh material was placed before the sanctioning authority. This Court quashed the prosecution sanction order dated 01.10.2013 and the cognizance order dated 12.11.2013 as also the order dated 06.01.2018, passed by the trial court. However, this Court did not interfere with the charge-sheet and left it open for the prosecution / investigating agency, i.e. CBI to take appropriate steps permissible under law.

8. The order dated 17.12.2021 passed by this Court in Application under Section 482 No.3274 of 2018 was challenged by filing S.L.P. Nos. 4006-4008 of 2022, which were dismissed by means of an order dated 01.10.2024.

9. In view of the aforesaid orders passed by this Court and the Hon'ble Supreme Court, the trial Court has passed an order dated 13.05.2022, stating that by means of the order dated 17.12.2021, passed in petition under Section 482 No.3274 of 2018, this High Court has quashed the prosecution sanction order passed in respect of co-accused persons Giriraj Sharma, Bhupendra Singh and Dilip Kumar and has quashed the cognizance and summoning order dated 12.11.2013 and the order dated 06.01.2018 whereby their application was rejected. The trial court held that after the aforesaid orders, it would not be proper to proceed with the matter against the accused persons. The trial court closed the proceedings till further orders and ordered the record to be consigned. The trial court further mentioned in the order that record should not be weeded out and in case of change of circumstances, the records may be called for and trial may commence again.

10. Earlier the petitioner had filed an application under Section 482 Cr.P.C. No. 9674 of 2024, for release of his passport for getting it renewed for enabling the petitioner to travel abroad, which has been deposited in the trial court in compliance of the bail conditions. The aforesaid application was disposed off by means of an order dated 25.10.2024 whereby the learned trial court was directed to return the applicant's passport to enable him to get it renewed. It was also provided that if the petitioner is willing to travel outside the country, he may do so after getting prior permission from the learned trial court and the learned trial court may not refuse such request in a cursory manner.

11. The Enforcement Directorate has registered ECIR No. 09/PMLA/LZO/2013 under Section 3/4 of the Prevention of Money Laundering Act, 2002 on the basis of the applicant's involvement in F.I.R. No. RC0062011A0013. The applicant has been granted anticipatory bail in

that case by means of an order dated 20.07.2023 passed by this Court in Crl. Misc. Anticipatory Bail Application No. 994 of 2023, inter alia, subject to the following conditions: -

> *"(iii) that the applicant shall surrender his passport, if any, to the concerned trial Court forthwith. His passport will remain in custody of the concerned trial Court;*
>
> *(iv) that the applicant shall not leave India during the pendency of trial without prior permission from the concerned trial Court."*

12. Thereafter the applicant filed application under Section 482 No. 9278 of 2025 praying for modifications of the aforesaid two conditions put in the order dated 20.07.2023 passed by this Court granting Anticipatory Bail to him. The learned Counsel for the Enforcement Directorate raised a preliminary objection that an application for modification of certain conditions put in anticipatory bail order should be filed as a miscellaneous application in the anticipatory bail application itself and a separate application under Section 482 Cr.P.C. for such a prayer would not be maintainable. This Court rejected the preliminary objection and allowed the application under Section 482 Cr.P.C. by an order dated 06.01.2026 holding that Section 482 Cr.P.C. saves the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. When orders can be passed in exercise of inherent powers of this Court by filing a miscellaneous application in a decided case, it cannot be said that this Court has no jurisdiction to entertain a fresh application under Section 482 for securing the ends of justice by securing the ends of justice by relaxing conditions no. (iii) & (iv) putting restraint on the right of travel when the summoning order regarding the scheduled offence already stands set aside and proceedings of trial under PMLA stand stayed by this Court.

13. The counter affidavit filed by CBI refers to the judgment in the case of **Aparna Purohit Vs. State of U.P. and another**: 2021 SCC OnLine SC 3467 wherein the Hon'ble Supreme Court has held that: -

> *"The inherent powers, however, as much as controlled by principal and precedent as are its express powers by Statutes and if a matter is covered by an express letter of law, the court cannot give a go by to the statutory provisions and instead evolve a new provision in the garb of inherent jurisdiction. Section 362 of the Code prohibits reopening of a final order except in the cases of clerical or arithmetical errors. Such being the position of law and in view of the express prohibition of the code itself in the form of Section 362, exercise of power in the considered opinion of this Court under Section 482 of the Code cannot be exercised to reopen and alter an order, disposing of a petition decided on merits."*

14. Sri Aakash Prasad, the learned counsel for respondent-CBI has raised a preliminary objection that the aforesaid prayer for modification of the order dated 19.12.2013 is barred by the provisions contained in Section 362 Cr.P.C., which reads as follows: -

> ***"362. Court not to alter judgment.-*** *Save as otherwise provided by this Code or by any other law for the time being in force, no Court, when it has signed its judgment or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error."*

15. The learned Counsel for the CBI has submitted that although Section 439 Cr.P.C. empowers the High Court to grant bail, it does not permit the High Court to modify the conditions put in an order granting bail. The High Court can modify the conditions put by a Magistrate while granting bail to an accused person but it cannot modify the conditions put by itself in a bail order.

16. Sri. Aakash Prasad has also submitted that the bail order dated 19.12.2013 has remained in operation for the past 12 years and the condition put in it has never been challenged before the Hon'ble Supreme Court and it has attained finality.

17. Sri Prasad has submitted that the bail order is a final order and it is not an interlocutory order. Even if the order dated 19.12.2013 is considered to be an interlocutory order in relation to the trial, so far as the bail application itself is considered the order dated 19.12.2013 decides the same finally and after decision of the bail application, this court has become functus officio. and it has no jurisdiction to modify the order.

18. The learned Counsel for CBI has submitted that in the case of **Aparna Purohit Vs. State of** U.P., Application under Section 482 No. 6022 of 2022, decided on 02.11.2022 a coordinate Bench of this court has held that an application under Section 482 Cr.P.C. would not lie to modify the conditions of bail. This judgment was challenged by filing SLP No.4483 of 2023 before the Hon'ble Supreme Court which was disposed of as withdrawn by means of an order dated 10.10.2023. In later judgments in the cases of **Vinod Kumar Sharma Vs. CBI: 2023 (12) ADJ 743** and **Vivek Yadav and another Vs. State, Crl. Misc. Anticipatory Bail Application No.1224 of 2023,** decided on 21.02.2024, two different coordinate benches have held that this court can modify the conditions imposed in a bail order. However, the subsequent judgments in the cases of **Vinod Kumar Sharma (supra)** and **Vivek Yadav(supra)** have not taken into consideration the earlier judgment in the case of Aparna Purohit (Supra).

19. Sri Akash Prasad has submitted that allowing the application for modification order would amount to this court sitting in appeal over the bail order passed by a coordinate Bench, which is not the intent of Section 482 Cr.P.C.

20. *Per contra*, Sri. Purnendu Chakravarty, the learned Senior Counsel for the petitioner, has submitted that Section 482 Cr.P.C. protects the inherent powers of this court to secure the ends of justice and there are no limitations of this power to be exercised in an appropriate case.

21. Before proceeding to examine the rival contention of the learned Counsel for the parties, it would be appropriate to have a look at Section 362 Cr.P.C., which provides as follows: -

> ***"362. Court not to alter judgment.*** *- Save as otherwise provided by this Code or by any other law for the time being in force, no Court, when it has signed its* ***judgment or final order*** *disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error."*

(emphasis added)

22. A bare perusal of the aforesaid statutory provision makes it manifest that the bar contained in Section 362 Cr.P.C. is only against alteration or review of a judgment or final order disposing of a case.

23. Section 362 falls in Chapter XVII Cr.P.C., which contains Sections 353 to 365. Section 353 falling in Chapter XXVII Cr.P.C. defines the term 'judgment' as follows: -

> ***"353. Judgment*** *- (1) The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open Court by the presiding officer immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders,—*
>
> *(a) by delivering the whole of the judgment; or*
>
> *(b) by reading out the whole of the judgment; or*
>
> *(c) by reading out the operative part of the judgment and explaining the substance of the judgment in a language which is understood by the accused or his pleader.*
>
> *(2) Where the judgment is delivered under clause (a) of sub-section (1), the presiding officer shall cause it to be taken down in short-hand, sign the transcript and every page thereof as soon as it is made ready, and write on it the date of the delivery of the judgment in open Court.*
>
> *(3) Where the judgment or the operative part thereof is read out under clause (b) or clause (c) of sub-section (1), as the case may be, it shall be dated and signed by the presiding officer in open Court, and if it is not*

written with his own hand, every page of the judgment shall be signed by him.

(4) Where the judgment is pronounced in the manner specified in clause (c) of sub-section (1), the whole judgment or a copy thereof shall be immediately made available for the perusal of the parties or their pleaders free of cost.

(5) If the accused is in custody, he shall be brought up to hear the judgment pronounced.

(6) If the accused is not in custody, he shall be required by the Court to attend to hear the judgment pronounced, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only or he is acquitted:

Provided that, where there are more accused than one, and one or more of them do not attend the Court on the date on which the judgment is to be pronounced, the presiding officer may, in order to avoid undue delay in the disposal of the case, pronounce the judgment notwithstanding their absence.

(7) No judgment delivered by any Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his pleader on the day or from the place notified for the delivery thereof, or of any omission to serve, or defect in serving, on the parties or their pleaders, or any of them, the notice of such day and place.

(8) Nothing in this section shall be construed to limit in any way the extent of the provisions of Section 465."

24. Sections 356, 357, 357-A, 357-B, 357-C, 358, 359 and 360 falling in Chapter XXVII Cr.P.C. refer to certain orders, which are in the nature of final orders referred to in Section 362 Cr.P.C. The final orders mentioned in various Sections of Chapter XXVII Cr.P.C. do not contain an order allowing a bail application.

25. Section 362 Cr.P.C. bars alteration or review of a judgment or final order disposing of a case, which include a judgment mentioned in Section 353 CrP.C. or a final order mentioned in Sections 356, 357, 357-A, 357-B, 357-C, 358, 359 or 360 Cr.P.C. falling in Chapter XXVII Cr.P.C. An order for release of the applicant on bail is neither a judgment nor a final order disposing off a case, rather it is an interlocutory order.

26. In **Amar Nath v. State of Haryana**: (1977) 4 SCC 137, the Hon'ble Supreme Court held that: -

> ***"6.*** *...The term "interlocutory order" is a term of well-known legal significance and does not present any serious difficulty. It has been used in various statutes including the Code of Civil Procedure, Letters Patent of the High Courts and other like statutes. In Webster's New World Dictionary "interlocutory" has been defined as an order other than final decision. Decided cases have laid down that interlocutory orders to be appealable must be those which decide the rights and liabilities of the parties concerning a particular aspect. It seems to us that the term "interlocutory order" in Section 397(2) of the 1973 Code has been used in a restricted sense and not in any broad or artistic sense. It merely denotes orders of a purely interim or temporary nature which do not decide or touch the important rights or the liabilities of the parties. Any order which substantially affects the right of the accused, or decides certain rights of the parties cannot be said to be an interlocutory order so as to bar a revison to the High Court against that order, because that would be against the very object which formed the basis for insertion of this particular provision in Section 397 of the 1973 Code.* ***Thus, for instance, orders summoning witnesses, adjourning cases, passing orders for bail, calling for reports and such other steps in aid of the pending proceeding, may no doubt amount to interlocutory orders*** *against which no revision would lie under Section 397(2) of the 1973 Code. But orders which are matters of moment and which affect or adjudicate the rights of the accused or a particular aspect of the trial cannot be said to be interlocutory order so as to be outside the purview of the revisional jurisdiction of the High Court."*

27. The aforesaid judgment was followed by a Bench consisting of four Hon'ble Judges of the Hon'ble Supreme Court in **V. C. Shukla v. State through CBI**: 1980 Supp SCC 92. The judgment in the case of **V.C. Shukla** (supra) was followed in **Usmanbhai Dawoodbhai Memon v. State of Gujarat**: (1988) 2 SCC 271, in which the Hon'ble Supreme Court held that:-

> ***"24.*** *... In V.C. Shukla v. State [1980 Supp SCC 92], Fazal Ali, J. in delivering the majority judgment reviewed the entire case law on the subject and deduced therefrom the following two principles, namely, (i) that a final order has to be interpreted in contradistinction to an interlocutory order; and (ii) that the test for determining the finality of an order is whether the judgment or order finally disposed of the rights*

of the parties. It was observed that these principles apply to civil as well as to criminal cases. ***In criminal proceedings, the word "judgment" is intended to indicate the final order in a trial terminating in the conviction or acquittal of the accused.*** *Applying these tests, it was held that an order framing a charge against an accused was not a final order but an interlocutory order within the meaning of Section 11(1) of the Special Courts Act, 1979 and therefore not appealable.* ***It cannot be doubted that the grant or refusal of a bail application is essentially an interlocutory order. There is no finality to such an order for an application for bail can always be renewed from time to time….****"*

(Emphasis added)

28. In **Ramadhar Sahu Vs. The State of Madhya Pradesh** Criminal Appeal No. 3223 of 2023 arising from SLP (Crl.) No. 11130/2023, the Appellant was in pre-trial custody on allegation of committing embezzlement of Rs. 1,44,00,000/-. An order was passed by the High Court on 28.04.2022 allowing the Appellant's prayer for bail after recording that he had volunteered to deposit a sum of Rs. 65,92,460/-. The said order carried the condition that the Appellant had to deposit Rs. 10,00,000/- before the Trial Court and Rs. 55,92,460/- was to be deposited under protest within a period of three months from the date of his release. The Appellant was released on bail on deposit of Rs. 10,00,000/-. He failed to deposit the remaining amount and surrendered on 24.07.2023. He applied for bail again mainly citing release of a co-accused by the Hon'ble Supreme Court. The said co-accused had also been released on bail by the High Court on his willingness to deposit certain sum of money but later on failed to make such deposit. The Appellant sought parity with the co-accused in the application which was rejected by the High Court holding that in the event the High Court granted bail to the Appellant without compliance of the conditions specified in the earlier order of a Coordinate Bench, that would constitute modification of the order and Section 362 of the Code prohibits such modification of a judgment or final order. While allowing the appeal and setting aside the order of the High Court, the Hon'ble Supreme Court held that: -

"5. An order for refusal of bail however, inherently carries certain characteristics of an interlocutory order in that certain variation or alteration in the context in which a bail plea is dismissed confers on the detained Accused right to file a fresh application for bail on certain changed circumstances. Thus, ***an order rejecting prayer for bail does not disempower the Court from considering such plea afresh if there is any alteration of the circumstances. Conditions of bail could also be varied if a case is made out for such variation based on that factor. Prohibition contemplated in Section 362 of the Code would not apply in such cases.*** *Hence, we do not think the reasoning on which the impugned order was passed rejecting the Appellant's application of bail can be sustained..."*

(Emphasis added)

29. In **Jagdish Arora versus Union of India**: 2022:MPHC-JBP:15286-DB, a Division Bench of Madhya Pradesh High Court consisting of Hon'ble Mr. Justice Sheel Nagu and Hon'ble Mr. Justice Maninder Singh Bhatti held that:-

"8.1. It is also settled that grant of bail is a rule whereas its denial is an exception. Once bail is granted subject to certain conditions by the High Court u/S. 439(1)(a) of Cr.P.C. as is the case herein, the power to modify or delete the conditions subject to which bail is granted, is also inherently vested with the High Court.

8.2. The power of amending or deleting any condition, subject to which bail order u/S. 439(1)(a) of Cr.P.C. is granted, is however not expressly provided in Cr.P.C. Thus, the only course available for seeking and granting modification/deletion of such a condition is by invoking the inherent powers of this Court u/S. 482 of Cr.P.C. to ensure the ends of justice.

8.3. ***Section 482 of Cr.P.C. saves inherent powers of this Court to be exercised inter alia to secure the ends of justice. The ends of justice can only be secured when in absence of any express provision this Court is not prevented from deleting/modifying any of the conditions subject to which an order of bail u/S. 439(1)(a) of Cr.P.C. is passed. If such inherent powers are otherwise not available to this Court u/S. 482 of Cr.P.C., then object of insertion of Section 482 of Cr.P.C. would stand defeated and this Court would be rendered a toothless tiger****.*

> *9.* ***The Legislature while enacting the Code of Criminal Procedure could never have approved a situation where this superior Court is handicapped to exercise its inherent powers to modify/delete a condition imposed u/S. 439(1)(a) of Cr.P.C. despite existence of compelling circumstances merely because of absence of enabling provision in the Cr.P.C.***
>
> *9.1.* ***The object behind bestowing inherent powers in this Court is to do complete justice and to prevent miscarriage of justice. The inherent powers are saved with this Court to be exercised in such circumstances where cause for doing complete justice or preventing failure of justice exists, but there is no express provision in Cr.P.C. As such Constitutional Courts are saved with such inherent powers to do complete justice without being inhibited or disabled by absence of enabling provision****."*
>
> (emphasis added)

30. The judgment in the case of **Jagdish Arora** (supra) has been followed by a coordinate Bench of this Court in **Vinod Kumar Sharma Vs. C.B.I.**: 2023:AHC:228832 = 2023 (12) ADJ 743.

31. **Vivek Yadav and another versus State of U.P. and another**: is a judgment dated 21.02.2024 given by this Court rejecting I.A. No. 03 of 2024 filed in Criminal Miscellaneous Anticipatory Bail Application No. 1224 of 2023 which already stood decided on 23.05.2023. This Court had rejected the I.A. filed in the decided Anticipatory Bail Application leaving it open to the applicant to file a fresh application under Section 482 Cr.P.C.

32. In **Aparna Purohit Vs. State of U.P**., Application under Section 482 No. 6022 of 2022, decided on 02.11.2022, a coordinate Bench of this court has held that: -

> *"34. The law cited herein before would reveal that under Section 438 and 439 Cr.P.C. the Sessions Court or the High Court may grant anticipatory bail or regular bail to the accused persons in appropriate cases. Both under Section 438 (U.P. Amendment) as well as* ***under Section 439 Cr.P.C. reasonable conditions may be imposed in order to secure fair trial. The Judge or in the case of the High Court, the***

> ***Bench after final disposal of the bail or anticipatory bail as the case may be becomes Functus Officio and nothing remained pending before the Bench as the rights have been finally adjudicated. Section 439(2) Cr.P.C. provides that a person released on bail by the High Court or by the Court of Sessions may be committed to custody. However, this power of High Court or the Sessions Court is conferred on account of the happening of subsequent events*** *like the accused not obeying the conditions of Bail, etc. However, if any person is aggrieved by the order of grant of bail, he or she will have to approach the superior court for cancellation of that order and the same could not be moved or cancelled by the same court by virtue of bar contained under Section 362 Cr.P.C."*

(Emphasis added)

33. Sri. Aakash Prasad, the learned Counsel for the CBI has submitted that the judgments in the cases of **Vinod Kumar Sharma** and **Vivek Yadav** (supra) are *per incuriam* judgments, as the same do not take into consideration the judgment of a coordinate Bench of this Court in the case of **Aparna Purohit Vs. State of U.P.**, Application under Section 482 No. 6022 of 2022. I am unable to accept this submission for the reason that the coordinate Bench has decided **Aparna Purohit** (supra), Application under Section 482 No. 6022 of 2022, without noticing the definition of the term 'judgment' given in Section 353 Cr.P.C., and the final orders defined in Sections 356 to 360 Cr.P.C., and without noticing the judgments of the Hon'ble Supreme Court referred to above holding that the orders granting bail are merely interlocutory orders and these cannot be termed as judgments or final orders disposing of a case. Therefore, the judgment in the case of **Aparna Purohit** (supra) is a *per incuriam* judgment and it is not a binding precedent. The judgments in the cases of **Vinod Kumar Sharma** and **Vivek Yadav** (supra) given ignoring the *per incuriam* judgment in the case of **Aparna Purohit** (supra), cannot be termed as *per incuriam* judgments.

34. Thus, there remains no room to doubt the proposition that an order granting bail is a merely an interlocutory order and it would not fall withing the scope and ambit of the phrase 'a judgment or final order disposing of a case' used in Section 362 Cr.P.C. Therefore, the bar contained in Section 362

Cr.P.C will not apply to alteration of a condition put in an order granting bail to an accused person. The preliminary objection raised by the learned Counsel for the respondent CBI is rejected accordingly.

35. Now, I proceed to examine the merits of the claim for relaxation of the condition of depositing a sum of Rs.64,00,000/- in the form of a fixed deposit in a nationalized bank in favour of the Airports Authority of India put in the bail order dated 19.12.2013.

36. **Sumit Mehta v. State (NCT of Delhi)**: (2013) 15 SCC 570, was an appeal directed against the order passed by the Delhi High Court whereby while granting anticipatory bail to the appellant in a case registered against him for the offences punishable under Sections 420, 467, 468 and 471 IPC, directed him to deposit an amount of Rs 1,00,00,000 (one crore) in fixed deposit in the name of the complainant in any nationalised bank and to keep the FDR with the investigating officer. The Hon'ble Supreme Court set aside the aforesaid condition holding that: -

> *"14. Thus, in the case on hand, fixed deposit of Rs 1,00,00,000 for a period of six months in the name of the complainant and to keep the FDR with the investigating officer as a condition precedent for grant of anticipatory bail is evidently onerous and unreasonable.* ***It must be remembered that the court has not even come to the conclusion whether the allegations made are true or not which can only be ascertained after completion of trial****. Certainly, in no words are we suggesting that the power to impose a condition of this nature is totally excluded, even in cases of cheating, electricity pilferage, white-collar crimes or chit fund scams, etc.*
>
> *15. The words "any condition" used in the provision should not be regarded as conferring absolute power on a court of law to impose any condition that it chooses to impose.* ***Any condition has to be interpreted as a reasonable condition acceptable in the facts permissible in the circumstance and effective in the pragmatic sense and should not defeat the order of grant of bail****. We are of the view that the present facts and circumstances of the case do not warrant such extreme condition to be imposed."*

(emphasis added)

37. In **Dilip Singh v. State of M.P.**: (2021) 2 SCC 779, the Hon'ble Supreme Court held that: -

> ***"4. It is well settled by a plethora of decisions of this Court that criminal proceedings are not for realisation of disputed dues.*** *It is open to a court to grant or refuse the prayer for anticipatory bail, depending on the facts and circumstances of the particular case. The factors to be taken into consideration, while considering an application for bail are the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution; reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses; reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; character, behaviour and standing of the accused; and the circumstances which are peculiar or the accused and larger interest of the public or the State and similar other considerations.* ***A criminal court, exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as a recovery agent to realise the dues of the complainant, and that too, without any trial****."*

38. Again, in **Gajanan Dattatray Gore v. State of Maharashtra**: 2025 SCC OnLine SC 1571, the Hon'ble Supreme Court held that: -

> ***"15.*** *We have noticed over a period of time that orders of regular bail and anticipatory bail are being passed by different High Courts subject to deposit of some amount.*
>
> ***16.*** *We have come across cases like the one in hand where accused persons have gone to the extent of filing affidavits in the form of undertaking that they would deposit a particular amount within a particular period and then conveniently resile from such undertakings saying it is an onerous condition.*
>
> ***17.*** *In some cases, perhaps the accused may abide by such undertaking, but our experience so far has been that in many cases the accused later would not abide and flout the undertaking. In many cases it would be argued on behalf of the accused that he had never made such a statement and the court on its own had recorded in the order that the accused is ready and willing to deposit a particular amount. At times the entire blame is thrown on the lawyer in making such statement for the purpose of obtaining order of bail or anticipatory bail as the case may be. In*

such circumstances, the concerned court would be left with no other option but to cancel the bail either at the instance of the State or the original complainant.

18. *The case in hand is one in which the appellant on his own free will and volition filed an affidavit in the form of an undertaking before the High Court that he would deposit an amount of Rs. 25,00,000/- but ultimately resiled to do so and the High Court had to cancel the bail. It was too much for the lawyer of the appellant to argue before the High Court that asking his client to deposit Rs. 25,00,000/- was unreasonable. It reflects on the professional ethics.*

19. *By this order, we make it clear and that too in the form of directions that henceforth no Trial Court or any of the High Courts shall pass any order of grant of regular bail or anticipatory bail on any undertaking that the accused might be ready to furnish for the purpose of obtaining appropriate reliefs.*

20. *The High Courts as well as the Trial Courts shall decide the plea for regular bail or anticipatory bail strictly on the merits of the case. The High Courts and the Trial Courts shall not exercise their discretion in this regard on any undertaking or any statement that the accused may be ready and willing to make.*

21. *This practice has to be stopped. Litigants are taking the courts for a ride and thereby undermining the dignity and honor of the court.*

22. *We hope and trust that the High Courts as well as the Trial Courts across the country do not commit the same mistake again."*

39. The condition of deposit of Rs.64,00,000/- in a fixed deposit in the name of Airports Authority of India put in the bail order dated 19.12.2013, without even recording a prima facie satisfaction regarding guilt of the applicant, is an unreasonably onerous condition and putting such conditions in the bail orders has been deprecated and prohibited by the Hon'ble Supreme Court. Moreover, the FIR was lodged in the year 2013, the prosecution sanction order in respect of co-accused government servants already stands quashed, the trial is not proceeding and the trial court has consigned the file to record room after closing the proceedings, without conclusion of trial. The condition of deposit of passport put in the bail order has already been recalled by means of order dated 25.10.2024, passed by a coordinate Bench of this court in a petition under Section 482 No.9674 of 2024. Meanwhile, the petitioner has attained an advanced age of 77 years. He is being deprived of the benefit of his own money, which is lying

deposited in a fixed deposit in compliance of the bail order dated 9.12.2013, passed in Bail Application No.7625 of 2013 which was for the period till the conclusion of the trial and as the trial is not proceeding, there is no hope of its conclusion at any time soon or even during the lifetime of the petitioner.

40. The learned Counsel for CBI has placed reliance on a judgment in the case of **Simrikhia v. Dolley Mukherjee**: (1990) 2 SCC 437, wherein earlier the High Court had rejected an application under Section 482 Cr.P.C. challenging an order of magistrate issuing process. Thereafter a second application under Section 482 filed with the same prayer was allowed by the High Court. Allowing the appeal, the Hon'ble Supreme Court held that: -

> ***"3.*** *... The inherent power under Section 482 is intended to prevent the abuse of the process of the court and to secure ends of justice. Such power cannot be exercised to do something which is expressly barred under the Code. If any consideration of the facts by way of review is not permissible under the Code and is expressly barred, it is not for the court to exercise its inherent power to reconsider the matter and record a conflicting decision.* ***If there had been change in the circumstances of the case, it would be in order for the High Court to exercise its inherent powers in the prevailing circumstances and pass appropriate orders to secure the ends of justice or to prevent the abuse of the process of the court. Where there is no such changed circumstances and the decision has to be arrived at on the facts that existed as on the date of the earlier order, the exercise of the power to reconsider the same materials to arrive at different conclusion is in effect a review, which is expressly barred under Section 362****."*

(emphasis added)

41. Thus the Hon'ble Supreme Court has expressly laid down that where there is a change in the circumstances of the case, the High Court may exercise its inherent powers in the prevailing circumstances and pass appropriate orders to secure the ends of justice or to prevent the abuse of the process of the court.

42. Regarding the objection raised by learned Counsel for the CBI that the condition is there since the year 2013 and it has been challenged belatedly, suffice it to say that the failure of the applicant to challenge the condition earlier might be for the reason that he might have had a hope of expeditious conclusion of trial and dispensation of justice. However, when the trial Court has passed an order dated 13.05.2022, stating that by means of the order dated 17.12.2021, passed in petition under Section 482 No.3274 of 2018, this High Court has quashed the prosecution sanction order passed in respect of co-accused persons Giriraj Sharma, Bhupendra Singh and Dilip Kumar and has quashed the cognizance and summoning order dated 12.11.2013 and the order dated 06.01.2018 whereby their application was rejected, it would not be proper to proceed with the matter against the accused persons and the trial court has closed the proceedings of trial till further orders and has ordered the record to be consigned, the applicant has rightly approached this Court for revocation of the aforesaid condition in view of the aforesaid factual developments and in these circumstances, the application cannot be said to have been filed after an unreasonable delay. Further, the continuance of the condition has given rise to a continuing cause of action to the applicant and for this reason also, I find no force in the objection of the learned Counsel for the CBI regarding delay in challenging the condition and I turn down this objection.

43. In **Prabhu Chawla v. State of Rajasthan**: (2016) 16 SCC 30, the Hon'ble Supreme Court held that:

> ***"6.*** *In our considered view any attempt to explain the law further as regards the issue relating to inherent power of the High Court under Section 482 CrPC is unwarranted. We would simply reiterate that Section 482 begins with a non obstante clause to state:*
>
> *"**482. Saving of inherent powers of High Court**.—Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any court or otherwise to secure the ends of justice."*

A fortiori, there can be no total ban on the exercise of such wholesome jurisdiction where, in the words of Krishna Iyer, J.

"abuse of the process of the court or other extraordinary situation excites the Court's jurisdiction. The limitation is self-restraint, nothing more".

44. Sri. Aakash Prasad had tried to distinguish the case of **Prabhu Chawla** (supra) by submitting that the aforesaid judgment has been given while comparing the powers under Section 482 Cr.P.C. and the revisional powers under Section 397 Cr.P.C. I am of the view that the aforesaid passage explains the scope of Section 482 irrespective of Section 397 Cr.P.C.

45. Moreover, In **Asian Resurfacing of Road Agency (P) Ltd. v. CBI**: (2018) 16 SCC 299, a Bench consisting of three Hon'ble Judges of the Hon'ble Supreme Court held that: -

"52. *... First and foremost, it must be appreciated that the High Courts are established by the Constitution and are courts of record which will have all powers of such courts, including the power to punish contempt of themselves (see Article 215). The High Court, being a superior court of record, is entitled to consider questions regarding its own jurisdiction when raised before it. In an instructive passage by a Constitution Bench of this Court in Powers, Privileges and Immunities of State Legislatures, In re, Special Reference No. 1 of 1964 [AIR 1965 SC 745], Gajendragadkar, C.J. held:*

"138. Besides, in the case of a superior Court of Record, it is for the court to consider whether any matter falls within its jurisdiction or not. Unlike a Court of limited jurisdiction, the superior court is entitled to determine for itself questions about its own jurisdiction. "Prima facie", says Halsbury, 'no matter is deemed to be beyond the jurisdiction of a superior court unless it is expressly shown to be so, while nothing is within the jurisdiction of an inferior court unless it is expressly shown on the face of the proceedings that the particular matter is within the cognizance of the particular court' [Halsbury's Laws of England, Vol. 9, p. 349]."

* * *

54. It is thus clear that the inherent power of a court set up by the Constitution is a power that inheres in such court because it is a

superior court of record, and not because it is conferred by the Code of Criminal Procedure. This is a power vested by the Constitution itself, inter alia, under Article 215 as aforestated. Also, as such High Courts have the power, nay, the duty to protect the fundamental rights of citizens under Article 226 of the Constitution, the inherent power to do justice in cases involving the liberty of the citizen would also sound in Article 21 of the Constitution….*"*

(emphasis added)

46**.** The inherent powers of this Court to secure the ends of justice and prevent the abuse of the process of law do not stem from Section 482 Cr.P.C or for that matter from any other statutory provision. Such a power is an unfettered power which inheres in this Court, because this Court is a Constitutional Court and a Court of record. Section 482 Cr.P.C. does not confer the inherent powers on the High Courts, it merely provides that nothing contained in Cr.P.C. will affect the inherent powers of the High Court, which powers are inherent in the High Court by virtue of it being a Court of record as laid down under Article 215 of the Constitution. The inherent powers are powers of a wide amplitude with only self imposed restrictions, to be exercised in a suitable case to secure the ends of justice. Therefore, the jurisdiction under Section 482 Cr.P.C. is a statutory manifestation of the wider inherent powers constitutionally recognized under Article 215, to be exercised for securing the ends of justice.

47. In order to fully comprehend and effectively exercise the inherent powers of the High Court, it is pertinent to note the legislative intent and the purpose that was intended to achieved by Section 482 Cr.P.C. and Article 215 of the Constitution of India. The object behind Article 215 is to give power to the High Courts to decide their own jurisdiction, apparently to confer discretionary powers on the High Courts, to be exercised in appropriate cases in which it deems fit to invoke its powers. Without giving the power to decide its own jurisdiction the inherent powers to secure the ends of justice might become meaningless. Similarly, the words *"to make such orders as may be necessary to secure the ends of*

justice" used in Section 482 conclude the aforesaid section in an open ended manner, the underlying object being to save the discretionary inherent powers of the High Courts to decide for itself what would be the appropriate cases in which the inherent power should be invoked. Therefore, the object behind both the provisions appears to be one i.e. to further the cause of substantial justice and undertake all such measures that may be required in this direction.

48. In **M.V. Elisabeth v. Harwan Investment and Trading (P) Ltd.**: 1993 Supp (2) SCC 433, the Hon'ble Supreme Court held that: -

> ***"66.*** *The High Courts in India are superior courts of record. They have original and appellate jurisdiction. They have inherent and plenary powers. Unless expressly or impliedly barred, and subject to the appellate or discretionary jurisdiction of this Court, the High Courts have unlimited jurisdiction, including the jurisdiction to determine their own powers. (See Naresh Shridhar Mirajkar v. State of Maharashtra [(1966) 3 SCR 744 : AIR 1967 SC 1]). As stated in Halsbury's Laws of England, 4th edn., Vol. 10, para 713:*
> *"Prima facie, no matter is deemed to be beyond the jurisdiction of a superior court unless it is expressly shown to be so, while nothing is within the jurisdiction of an inferior court unless it is expressly shown on the face of the proceedings that the particular matter is within the cognisance of the particular court."*

49. I am of the considered view that the peculiar facts of the case noted in paragraph 39 above establish that the continuance of the condition of deposit of Rs.64 lakhs put in the order dated 19.12.2013 granting bail to the applicant, is causing a failure of justice, as the amount was deposited and was to remain deposited till conclusion of the trial whereas the trial is not proceeding and the trial Court has consigned its records. While waiting for conclusion of the trial and release of his money, the applicant has attained an advanced age of 77 years. This is a fit case warranting exercise of the inherent powers of this Court so as to revoke the condition of deposit of Rs.64 Lakhs put in the order dated 19.12.2013 granting bail to the applicant.

50. In view of the foregoing discussion, the instant application under Section 482 Cr.P.C. is ***allowed***. The condition imposed in the order dated 19.12.2013, passed in Bail Application No.7625 of 2013, directing the

applicant to deposit a sum of Rs.64,00,000/- in the form of a fixed deposit in a nationalized bank in favour of the Airports Authority of India, is revoked. The amount deposited by the applicant in fixed deposit in a nationalized bank in furtherance of the aforesaid condition and the interest accrued thereon, is directed to be released in favour of the applicant within a period of thirty days from today.

51. The parties shall bear their own costs of this petition.

(Subhash Vidyarthi J.)

July 02, 2026
Ram.

Whether the judgment is speaking – Yes / ~~No~~

Whether the judgment is reportable – Yes / ~~No~~

Digitally signed by :-
RAM SINGH
High Court of Judicature at Allahabad,
Lucknow Bench