CGHC010221612026 2026:CGHC:30855

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5219 of 2026

Order Reserved on 16.07.2026

Order Delivered on 21.07.2026

- Sanjeev Jain, S/o Late Dalchand Jain, aged about 59 Years, R/o E02/151 Arera Colony, District Bhopal M.P.

---**Applicant**

versus

- State of Chhattisgarh, Through Investigating Officer, Economic Offence Wing/ Anti Corruption Bureau Chhattisgarh, Headquarter At Telibandha, Infront of Jai Jawan Petrol Pump, Raipur, District Raipur, Chhattisgarh

---**Non-applicant**

MCRC No. 5220 of 2026

- Rajeev Dwivedi, S/o Late Premnarayan Dwivedi, aged about 69 Years, R/o 33 Phase- I Shree Golden City, Hoshangabad Road, District- Bhopal (M.P.)

---Applicant

Versus

- State of Chhattisgarh, Through Investigating Officer Economic Offence Wing/ Anti Corruption Bureau Chhattisgarh, Headquarter At Telibandha, Infront of Jai Jawan Petrol Pump, Raipur, District- Raipur (C.G.)

...Non-applicant

(Cause-title is taken from Case Information System)

For Applicants	:	Mr. Manoj Paranjpe, Senior Advocate appears along with Mr. Rishabh Gupta & Mr. Arpan Verma, Advocates
For State	:	Mr. Praveen Das, Additional Advocate General along with Mr. S.S. Choubey, Govt. Advocate

(Hon'ble Shri Amitendra Kishore Prasad, Judge)

C.A.V. Order

1. Since both these bail applications arise out of the same Crime No.44/2024 registered by the Economic Offences Wing/Anti-Corruption Bureau, Chhattisgarh, involve identical allegations, common questions of fact and law and the applicants are similarly situated, they are being disposed of by this common order.

2. The present applications have been preferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in connection with Crime No.44/2024 registered by the Economic Offences Wing/Anti-Corruption Bureau, Chhattisgarh, initially for offences punishable under Section 120-B of the Indian Penal Code and Sections 7(b) and 8 of the Prevention of Corruption Act, 1988, wherein subsequently, after filing of the charge-sheet, offences under Sections 467, 468 and 471 of the Indian Penal Code have also been incorporated.

3. At the outset, this Court is conscious of the settled principles governing consideration of bail under Section 483 of the BNSS. At the stage of considering an application for bail, the Court is neither expected to meticulously appreciate the entire evidence nor record findings on the merits of the prosecution case. The Court is required to examine whether a *prima facie* case exists, the nature and gravity of accusation, the role attributed to the accused, the possibility of tampering with evidence or influencing witnesses, the requirement of custodial interrogation and the constitutional guarantee of personal liberty under Article 21 of the Constitution of India.

4. In ***Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528***, the Hon'ble Supreme Court has held that while considering an application for bail, the Court is required to consider the nature of accusation, severity of punishment, character of evidence, possibility of securing the presence of the accused during trial and the likelihood of witnesses being influenced. The Apex Court has further held that although a detailed appreciation of evidence is not required at the stage of bail, the Court must indicate reasons which persuaded it to exercise discretion one way or the other.

5. The prosecution case, in brief, is that the present crime has been registered pursuant to information received from the Directorate of Enforcement under Section 66(2) of the Prevention of Money Laundering Act alleging large-scale irregularities in the affairs of Chhattisgarh State Marketing Corporation Limited (CSMCL). According to the prosecution, during the period between 2019 and 2023, certain manpower supply agencies, in conspiracy with officers of CSMCL, allegedly inflated attendance records, manipulated overtime and incentive payments, prepared false bills and obtained excess payments from CSMCL, which were thereafter allegedly diverted for payment of illegal gratification to certain public servants.

6. The applicants are stated to be Directors of Primeone Workforce Private Limited, which was awarded a contract for supply of manpower to liquor outlets operated by CSMCL. The allegation against them is that the company received payments from CSMCL towards overtime/incentive payable to deployed manpower and instead of disbursing the entire amount to the employees, the excess amount was allegedly diverted and utilized for payment of illegal gratification to officials of CSMCL.

7. Mr. Manoj Paranjpe, learned Senior Counsel appearing for the applicants submits that both the applicants have been falsely implicated and that their names do not find place in the original FIR dated 05.10.2024. It is contended that the FIR specifically attributes the alleged movement of cash to certain other persons and no overt act whatsoever has been attributed to the present applicants in the foundational allegations. It is further submitted that both the applicants have merely been implicated during investigation on account of their position as Directors of the company and there exists no independent material showing their personal involvement in any conspiracy, demand or payment of illegal gratification.

8. The work of the Company was being handled by one Siddharth Singhania, who was key person in the realm of affairs of manpower contract. But instead of making him accused, he has been made as witness. In Crime no. 4/2024 pertaining to liquors scam case Applicant Sanjeev Jain was arrayed as witness whereas in the present matter which is offshoot of Crime No. 4/2024, he has been made accused. It is further submitted that the investigation already stands concluded and the charge-sheet has been filed on 18.05.2026. All documentary evidence including invoices, bank records, accounting records, attendance registers and electronic evidence are already in the custody of the investigating agency. No recovery has been effected from either of the applicants and no further custodial interrogation is required. It is also contended that both the applicants appeared before the investigating agency on every occasion pursuant to notices and summons issued by EOW/ACB and cooperated throughout the investigation and were ultimately arrested only on 04.05.2026, nearly eighteen months after registration of the FIR.

9. Learned counsel further submits that the present applicants stand on a much better footing particularly in view of the fact that this Court, by order passed in MCRC No.5181 of 2026 dated, has already granted regular bail to co-accused- Ajay Lohia, who is also alleged to have been associated with one of the manpower agencies forming part of the very same alleged conspiracy. It is submitted that the role attributed to the present applicants is neither distinguishable nor more serious than that attributed to the said co-accused. It is, therefore, argued that the principle of parity squarely applies and the present applicants are entitled to the same relief.

10. Per contra, learned counsel appearing for the State opposes the applications and submits that the present case concerns a large-scale economic offence involving corruption in the functioning of CSMCL and substantial wrongful loss to the public exchequer. It is contended that the applicants, being Directors of the manpower agency, actively participated in the preparation of inflated bills and wrongful claims relating to overtime and incentive payments and thereby facilitated payment of illegal gratification to public servants. It is further submitted that economic offences constitute a distinct class and deserve a strict approach while considering bail.

11. Having heard learned counsel for the parties and after perusing the case diary, charge-sheet and other material available on record, this Court finds that the present applications require consideration on the basis of the material presently available.

12. It is not in dispute that neither of the present applicants was named in the FIR dated 05.10.2024. The FIR, which constitutes the foundation of the prosecution, primarily refers to alleged movement of cash through certain named individuals after interception dated 29.11.2023. The present applicants do not figure in the foundational allegations and no allegation of demand, acceptance, transportation or delivery of illegal gratification has been directly attributed to either of them in the FIR.

13. The subsequent implication of the applicants appears to have arisen during investigation mainly because they were Directors of Primeone Workforce Private Limited, which had entered into contractual arrangements with CSMCL for supply of manpower. Whether such contractual relationship by itself establishes criminal conspiracy, forgery or commission of offences under the Prevention of Corruption Act is a matter which necessarily requires appreciation of documentary evidence during trial. At this stage, the Court is only required to examine whether continued custodial detention is justified.

14. What assumes considerable significance is that this Court, while considering MCRC No.5181 of 2026 (Ajay Lohia v. State of Chhattisgarh) arising out of the very same Crime

No.44/2024, has already granted regular bail after taking note of the completion of investigation, filing of charge-sheet, documentary nature of evidence, absence of custodial necessity and the specific role attributed to the said accused. Judicial discipline requires that where the role attributed to similarly situated co-accused is substantially comparable, parity assumes considerable importance unless there exist distinguishing circumstances justifying a different view.

15. This Court has carefully considered its earlier orders passed in MCRC No.5181 of 2026 (Amit Prabhkar Salunke and another v. State of Chhattisgarh), MCRC No.5063 of 2026 (Ajay Lohia vs. State of Chhattisgarh) and MCRC No.4981 of 2026 (Amit Mittal v. State of Chhattisgarh) arising out of the same Crime No.44/2024. While deciding the said bail application, this Court, after considering the entire prosecution case, noticed that the applicant therein was not named in the FIR; the investigation had been completed; the charge-sheet had already been filed; the evidence was predominantly documentary in nature; no further custodial interrogation was required; and the allegations principally arose from his association with the concerned corporate entity. Upon cumulative consideration of the aforesaid circumstances, this Court found it appropriate to enlarge the said accused on regular bail.

16. The present applicants, *prima facie*, stand on substantially the same footing. The material placed before this Court does not disclose that either of the present applicants has been assigned a role graver than that attributed to the aforesaid co-accused. The State has also not been able to demonstrate any distinguishing feature warranting a departure from the view already taken by this Court in respect of the same crime. Though the principle of parity is not to be applied mechanically, similarly situated accused are ordinarily entitled to similar treatment in the absence of distinguishing circumstances. Consistency in judicial approach is an important facet of the administration of criminal justice and promotes certainty, fairness and equality before law.

17. This Court further notices that the allegations against the present applicants essentially arise from the functioning of Primeone Workforce Private Limited, which had entered into contractual arrangements with CSMCL for supply of manpower. The prosecution alleges that excess payments obtained towards overtime and incentive components were not fully disbursed to employees and were thereafter utilized for payment of illegal gratification. However, whether the payments represented statutory overtime, incentive, handling charges or contractual remuneration and whether the invoices were inflated or otherwise are matters which necessarily depend upon appreciation of voluminous documentary evidence, contractual clauses, accounting records, departmental approvals, audit material and oral evidence to be adduced during trial.

18. Upon perusal of the record and consideration the submission advanced by learned counsel for the applicant, it appears that the work of the Company was being handled by one Siddharth Singhania, who was key person in the realm of affairs of manpower contract. But instead of making him accused, he has been made as witness. In Crime no. 4/2024 pertaining to liquors scam case Applicant Sanjeev Jain was arrayed as witness whereas in the present matter which is offshoot of Crime No. 4/2024, he has been made accused. It is further submitted that the investigation already stands concluded and the charge-sheet has been filed on 18.05.2026. All documentary evidence including invoices, bank records, accounting records, attendance registers and electronic evidence are already in the custody of the investigating agency. No recovery has been effected from either of the applicants and no further custodial interrogation is required. It is also contended that both the applicants appeared before the investigating agency on every occasion pursuant to notices and summons issued by EOW/ACB and cooperated throughout the investigation and were ultimately arrested only on 04.05.2026, nearly eighteen months after registration of the FIR.

19. At this stage, this Court also finds that no material has been brought on record to *prima facie* demonstrate that either of the present applicants personally demanded illegal gratification, personally handed over any illegal amount to any public servant or personally received any illegal pecuniary benefit. No recovery has been effected from either of the applicants. No cash trail directly connecting the applicants with receipt or distribution of the alleged illegal gratification has been pointed out during the course of hearing.

20. Equally significant is the fact that although offences under Sections 467, 468 and 471 of the Indian Penal Code have subsequently been incorporated after filing of the charge-sheet, the prosecution has not, at this stage, identified any particular forged document allegedly prepared, signed or executed by either of the applicants. There is also no material presently brought to the notice of this Court indicating that either of the applicants knowingly used any forged document as genuine. Whether the invoices and supporting records constitute forged documents or merely give rise to disputed questions regarding contractual interpretation and accounting treatment is an issue which can only be adjudicated after appreciation of evidence during trial.

21. The Hon'ble Supreme Court in ***Sunil Bharti Mittal v. Central Bureau of Investigation, (2015) 4 SCC 609***, has categorically held that criminal liability is personal in nature and directors or officers of a company cannot be prosecuted merely because of the office held by them unless there exists material demonstrating their individual role and active participation in the commission of the offence. Vicarious criminal liability cannot ordinarily be inferred unless specifically provided by statute. Prima facie, the allegations against the present applicants substantially arise from their position as Directors of the company and whether such material ultimately establishes their criminal culpability is a matter to be examined during trial.

22. Another circumstance which cannot be ignored is that the investigation already stands concluded and the charge-sheet has admittedly been filed on 18.05.2026. The prosecution has cited as many as 64 witnesses. Admittedly, no witness has yet been examined. Having regard to the number of witnesses and the nature of documentary evidence involved, it appears that conclusion of trial is likely to consume considerable time. The prosecution has also not pointed out any further custodial interrogation which remains necessary.

23. The applicants were arrested on 04.05.2026, nearly eighteen months after registration of the FIR. During the interregnum, they admittedly responded to notices and summons issued by the investigating agency and cooperated with the investigation. The prosecution has not placed any material indicating that either of the applicants attempted to abscond, evade investigation or influence witnesses during the entire period they remained at liberty.

24. The Hon'ble Supreme Court in ***Sanjay Chandra v. Central Bureau of Investigation, (2012) 1 SCC 40***, observed that the object of bail is to secure the attendance of the accused during trial and not to inflict punishment before conviction. The Court further held that where investigation has been completed and the accused is no longer required for custodial interrogation, continued incarceration should not ordinarily be resorted to unless compelling circumstances exist.

25. Likewise, in ***Dataram Singh v. State of Uttar Pradesh, (2018) 3 SCC 22***, the Apex Court reiterated that grant of bail is the rule and refusal is an exception and that every accused is presumed innocent until proven guilty. The Court emphasized that personal liberty guaranteed under Article 21 of the Constitution cannot be curtailed except for substantial and compelling reasons.

26. In ***Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51***, the Hon'ble Supreme Court exhaustively considered the law relating to arrest and bail and reiterated that once investigation is complete and the charge-sheet has been filed, unnecessary pre-trial incarceration should ordinarily be avoided unless justified by compelling circumstances. Similar principles were reiterated in ***P. Chidambaram v. Directorate of Enforcement, (2020) 13 SCC 791***, wherein it was held that even in serious economic offences, the gravity of allegations alone cannot be the sole ground for denial of bail and the Court must strike a balance between the interests of investigation and the valuable right to personal liberty.

27. Recently, in ***Arvind Dham v. Directorate of Enforcement, 2026 SCC OnLine SC 30***, the Hon'ble Supreme Court again emphasized that prolonged incarceration of an undertrial, particularly where the evidence is substantially documentary in nature and already secured by the investigating agency, cannot be permitted to convert pre-trial detention into punishment. The Apex Court reiterated that the constitutional guarantee under Article 21 continues to operate even in prosecutions involving economic offences.

28. In the present case, the documentary evidence has already been seized by the investigating agency. The prosecution has not pointed out any material indicating that release of the applicants on bail would result in tampering with documentary evidence, which admittedly is already in the custody of the investigating agency. Similarly, no material has been brought on record indicating any likelihood of the applicants fleeing from justice or influencing prosecution witnesses, particularly when they had cooperated throughout the investigation before their arrest.

29. Having considered the rival submissions and upon cumulative evaluation of the material presently available on record, this Court finds that the present applicants were not named in the original FIR; their implication has arisen during the course of investigation; the investigation already stands concluded; the charge-sheet has been filed; the prosecution case is substantially founded upon documentary evidence which already stands secured; no recovery has been effected from either of the applicants; no further custodial interrogation is required; both the applicants admittedly cooperated with the investigating agency pursuant to the notices and summons issued during investigation; and there is no material indicating that they either attempted to abscond or obstruct the investigation.

30. It is true that the allegations pertain to an economic offence involving public funds and such offences are undoubtedly required to be viewed seriously. However, seriousness of accusation, by itself, cannot constitute the sole ground for continued incarceration once the investigation has been completed, the evidence has been collected and the prosecution has failed to demonstrate any continuing necessity for custodial detention. The object of bail is to secure the presence of the accused during trial and not to impose punishment before adjudication of guilt. Whether the prosecution ultimately succeeds in proving the allegations against the applicants is a matter which shall be determined only after appreciation of evidence during trial.

31. Without expressing any opinion on the merits of the prosecution case and having regard to the nature of allegations, the documentary character of the evidence, completion of investigation, filing of the charge-sheet, absence of any requirement of further custodial interrogation, the conduct of the applicants during investigation and the fact that this Court has already granted bail to a similarly situated co-accused in MCRC No.5181 of 2026 (Amit Prabhkar Salunke and another v. State of Chhattisgarh), MCRC No.5063 of 2026 (Ajay Lohia vs. State of Chhattisgarh) and MCRC No.4981 of 2026 (Amit Mittal v. State of Chhattisgarh) arising out of the same crime, this Court is of the considered opinion that the present applicants have made out a fit case for grant of regular bail.

32. Accordingly, both the applications, namely MCRC No.5219 of 2026 and MCRC No.5220 of 2026 are **allowed.**

33. It is directed that the applicants- Sanjeev Jain and Rajeev Dwivedi be released on regular bail in connection with Crime No.44/2024 registered by the Economic Offences Wing/Anti-Corruption Bureau, Chhattisgarh, upon each of them furnishing a personal bond in the sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two solvent sureties in the like amount to the satisfaction of the concerned Trial Court, subject to the following conditions:-

(i) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts before the Court or any investigating authority.

(ii) The applicants shall surrender their passports, if any (if not already surrendered), before the concerned Trial Court and shall not leave the territory of India without prior permission of the said Court.

(iii) The applicants shall remain present before the Trial Court on each and every date fixed unless exempted in accordance with law.

(iv) The applicants shall not indulge in any act which may delay or prejudice the fair conduct of the trial.

(v) The applicants shall continue to cooperate with the investigating agency as and when required in accordance with law.

(vi) In addition, the applicants will provide one telephone/mobile No. on which they can be contacted by the concerned Officials to ascertain their whereabouts while they are on bail.

(vii) In the event of violation of any of the aforesaid conditions, it shall be open to the State to seek cancellation of bail in accordance with law.

34. It is clarified that the observations recorded hereinabove are purely for the limited purpose of adjudicating the present applications for grant of bail and shall not be construed as an expression of opinion on the merits of the case. The concerned Trial Court shall proceed independently and decide the case solely on the basis of the evidence that may be adduced before it, uninfluenced by any observation contained in the present order.

35. Accordingly, both the bail applications stand **disposed of** in the aforesaid terms.

Sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha