REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

P. CHIDAMBARAM V. CENTRAL BUREAU OF INVESTIGATION (2020)

BENCH: Mrs. Justice R. Banumathi, Mr. Justice A.S. Bopanna & Mr. Justice Hrishikesh Roy

DECIDED: October 22, 2019

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Gravity of offence cannot be sole criterion to deny regular bail; court must balance severity of allegations with personal liberty under Article 21.

1. Factual Matrix & Background:

The appellant was arrested by the CBI in connection with the INX Media corruption case. The Special Judge and High Court denied regular bail under Section 439 CrPC on the ground that economic offences are severe and affect the financial stability of the country.

2. Substantive Legal Questions Framed:

Whether regular bail can be denied solely on the ground of the gravity of the economic offence where there is no flight risk and no possibility of tampering with evidence.

3. Analysis & Ratio Decidendi:

The Supreme Court three-judge bench granted regular bail, holding that while economic offences fall under a grave category, the gravity of the offence alone cannot be an inflexible bar to granting bail under Section 439 CrPC. The basic jurisprudence of bail remains that bail is the rule and jail is an exception. When the investigation is substantially complete, custody is prolonged, and the accused does not pose a flight risk, bail must be granted.

4. Principles Enunciated:

- 1. Bail cannot be withheld as a measure of pre-trial punishment.
- 2. Economic offences do not automatically extinguish constitutional rights under Article 21.
- 3. The tripartite test (flight risk, witness tampering, evidence destruction) governs bail.

5. Practical Litigation Implications:

- Counsel seeking regular bail in complex white-collar crimes should emphasize cooperation with investigation, custody duration, and absence of flight risk or witness tampering.

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[SUPREME COURT BENCH]

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