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5/12/19

# Chidambaram gets bail in money laundering case

SC paves the way for his release from jail after 106 days

KRISHNADAS RAJAGOPAL  
NEW DELHI

The Supreme Court on Wednesday granted regular bail to former Union Finance Minister P. Chidambaram, who is facing money laundering charges levelled against him by the Enforcement Directorate (ED) in the INX Media case, thus paving the way for his release from jail after a period of 106 days.

A Bench of Justices R. Banumathi, A.S. Bopanna and Hrishikesh Roy reminded the ED that though economic offences are grave, bail is still the rule and jail the exception. "Basic jurisprudence relating to bail remains the same inasmuch as



Relief at last: Former Finance Minister P. Chidambaram coming out of the Tihar Jail on Wednesday. ■ SUSHIL KUMAR VERMA

the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial," Justice Bopanna, for the Bench, observed in his judgment.

The court's bail condi-

tions include the furnishing of bail bonds of ₹2 lakh with two sureties subject to satisfaction of the special judge hearing the case.

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JH - 5/12/2019  
Mr. Chidambaram's passport would remain confiscated and he would not be able to leave the country without permission. He would make himself available for interrogation. He would not give any press interviews or make public statements on the case. Further, he would not intimidate any case witnesses.

The court agreed with the ED that economic offences affect entire societies. It has always held that such offences are of grave nature, being a class apart, and arise out of deep-rooted conspiracies.

The effect of such offences on society has to be indeed kept in view while granting bail. However, on the other hand, there cannot be a blanket ban against granting bail to accused in such cases. "Even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case since there is no such bar created in the relevant enactment passed by the legislature nor does the bail jurisprudence provide so," Justice Bopanna held.

Each case for bail has to be weighed according to its individual circumstances, the court said. Courts cannot blindly follow any uniform precedent while dealing with bail applications in economic offence cases.

Justice Bopanna pointed

out that Mr. Chidambaram was in custody of the ED for over 45 days and he was available for questioning.

The ED had objected to the bail, arguing that they still wanted him for extensive questioning in connection with money laundering.

The court rejected the ED claim that Mr. Chidambaram would tamper with evidence and intimidate witnesses. The judgment reasoned that he neither enjoys political power nor holds any government post. It said Mr. Chidambaram cannot be blamed if a witness had refused to cooperate as there was no evidence of coercion.

## Sealed covers

"The appellant [Chidambaram] is aged about 74 years... has suffered two bouts of illness during incarceration and was put on antibiotics... In that circumstance, the availability of the appellant for further investigation, interrogation and facing trial is not jeopardised. He is already held to be not a 'flight risk' and there is no possibility of tampering the evidence or influencing/intimidating the witnesses. Taking these and all other facts and circumstances including the duration of custody into consideration the appellant in our considered view is entitled to be granted bail," the Supreme Court ordered.