

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2023
(Arising from SLP(Cr1.)No(s).7053/2023)

GOVERNMENT OF REPUBLIC OF DJIBOUTI

APPELLANT(S)

VERSUS

STATE OF NCT OF DELHI & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

Heard Mr. Raman Gandhi, learned counsel appearing for the appellant, Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for respondent no.1 and Mr. Siddhartha Dave, learned senior counsel appearing for respondent no.2.

The appellant has questioned the legality of an order passed by the Delhi High Court allowing an application for anticipatory bail filed by respondent no.2 with certain conditions. The said order was passed on 29.03.2023. Appellant before us is the Government of Djibouti, who had lodged a complaint with the Special Crimes Division, Central Bureau of Investigation. Substance of the complaint would appear from paragraph 2 of the judgment under appeal, which reads:-

"2. The present FIR was registered on a complaint filed by Sh. H.E. Said Absieh Warsama, Ambassador of Republic of Djibouti in India. It was alleged that Ms. Rama Krishna Karuturi, the applicant who is the Director of M/s Karuturi Global Limited ('KGL') entered into an agreement dated 10.09.2011

through its sister concern, M/s Karuturi Overseas Limited, Dubai ('KOL') with the Government of Djibouti. By virtue of the said agreement, KOL was supposed to provide 10,000 hectares of land in Ethiopia for agricultural purposes. It was further alleged that in the year 2012, KOL entered into a second agreement dated 23.02.2012 with the Government of Djibouti for development of 5,000 hectares of land. It was alleged that in order to assist KOL in performing its obligations, the Central Bank of Djibouti issued bank guarantee in the sum of 6.5 Million USD in favour of Bank of Africa. Accordingly, Bank of Africa issued a loan/credit of 6.5 Million USD to KOL. However, KOL allegedly failed to perform its obligations and repay the said loan. It is alleged that consequently, Bank of Africa insisted that the Government of Djibouti repay the loan amount of 6.5 Million USD. It was further the case of the complainant that in the year 2013, the applicant issued a letter of 'Acknowledgment of Debt' dated 10.02.2013 acknowledging to pay 5 Million USD alongwith interest to the Government of Djibouti. It was alleged that the obligations as undertaken by the applicant were not honored and thus, the present FIR came to be registered."

On behalf of the learned counsel for the appellant, it is submitted that the respondent no.2 is not cooperating with the investigation. Ms. Bhati, learned Additional Solicitor General has taken this stand. On going through the nature of the allegations and the conduct of the respondent no.2, we do not think respondent no.2 ought to have been favoured with an order for anticipatory bail.

We, accordingly, allow the present appeal and set aside the impugned order. The respondent no.2, however, is given four weeks' time to surrender before the appropriate Court.

Pending application(s), if any, shall stand disposed of.

.....J.
[ANIRUDDHA BOSE]

.....J.
[BELA M. TRIVEDI]

New Delhi;
September 25, 2023.

ITEM NO.54

COURT NO.6

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 7053/2023
(Arising out of impugned final judgment and order dated 29-03-2023
in BA No. 1454/2022 passed by the High Court Of Delhi At New Delhi)

GOVERNMENT OF REPUBLIC OF DJIBOUTI

PETITIONER(S)

VERSUS

STATE OF NCT OF DELHI & ANR.

RESPONDENT(S)

(IA No. 111270/2023 - EXEMPTION FROM FILING C/C OF I/JUDGMENT)

Date : 25-09-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Raman Gandhi, Adv.
Mr. Sanjay Jain, AOR

For Respondent(s) Mr. Siddhartha Dave, Sr. Adv.
Ms. Neeha Nagpal, Adv.
Mr. Malak Manish Bhatt, AOR
Mr. Vishvendra Tomar, Adv.
Ms. Supriya Julka, Adv.

Mr. Tushar Mehta, SG (NP)
Ms. Aishwaray Bhati, ASG
Mr. Sanjay Kr. Tyagi, Adv.
Mr. Sushil Kr Dubey, Adv.
Mr. Pratyush Shrivastava, Adv.
Mr. Umesh Babu Chourasia, Adv.
Dr. Arun Kumar Yadav, Adv.
Mr. Shreekant Neelappa Terdal, AOR
Mr. Rustam Singh Chauhan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order, which is
placed on the file.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR