

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1324 OF 2015  
(Arising Out of SLP (Crl.)No.2603 of 2015)

VISPY BAHADUR KAPADIA

APPELLANT (s)

VERSUS

STATE OF MAHARASHTRA AND ANR.

RESPONDENT(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

By our order dated 1<sup>st</sup> April, 2015, we had directed that in the event of appellant's arrest in connection with M.E.C.R. No.1 of 2014 transferred to Crime Branch, C.I.D. Unit II, Mumbai, he shall be enlarged on bail on his furnishing bail bonds in a sum of Rs.20,000/- (Rupees Twenty Thousand) with two sureties in the like amount to the satisfaction of the officer effecting the arrest. We are today told by Mr. F.S. Nariman, learned senior counsel appearing for the petitioner that the petitioner is not only willing to furnish bail bonds in the event of his arrest but has at all times offered to cooperate with the ongoing investigation. He submits that the petitioner has even

addressed communications to that effect to the investigating officer. Mr. Nariman submits that the appellant has even in the past appeared before the investigating officer as many as 16 times and answered all possible questions relevant to the completion of the investigation. He further submits that the appellant is willing to offer his continued cooperation with the ongoing investigation and that this matter could in that view be disposed of making the interim direction mentioned above absolute.

Learned counsel for the State of Maharashtra and the complainant respondent No.2, however, strenuously oppose that prayer. It is submitted on behalf of the respondents that in view of nature of allegation levelled against the appellant and the need for custodial interrogation the prayer for bail ought to be declined and the investigation officer permitted to take the appellant into custody for proper investigation.

Having given our anxious consideration to the submissions made at the bar, we are of the view that order dated 1<sup>st</sup> April, 2015 passed by this Court ought to be made absolute. We say so not only because of the nature of allegations made against the appellant but also on account of the fact that the appellant is and has always been willing to cooperate with the ongoing investigation.

We accordingly allow this appeal and set aside the

impugned order passed by the High Court and make our order dated 1<sup>st</sup> April, 2015 absolute.

We, however, direct the appellant to cooperate in the ongoing investigation so that the same is concluded expeditiously, for which purpose the appellant is directed to appear before the investigating officer on three consecutive dates i.e. 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> of October, 2015 at 11.00 a.m. in the morning and on all other dates on which the investigation officer may require him to appear.

We also make it clear that in case the petitioner does not appear before the investigating officer on the dates given above, or does not cooperate with the ongoing investigation, the respondent shall be free to apply for recall of this order and cancellation of bail granted to him.

With the abovesaid observations, this appeal is allowed and disposed off.

.....J  
[T.S. THAKUR]

.....J  
[KURIAN JOSEPH]

October 7, 2015  
New Delhi.

ITEM NO.10

COURT NO.2

SECTION IIA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2603/2015

(Arising out of impugned final judgment and order dated 13/03/2015 in CRABA No. 1344/2014 passed by the High Court Of Bombay)

VISPY BAHADUR KAPADIA

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA AND ANR.

Respondent(s)

(with appln. (s) for vacating interim relief and interim relief and office report)

Date : 07/10/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s)

Mr. F.S. Nariman, Sr. Adv.

Mr. R.N. Karanjawala, Adv.

Mr.Sandeep Kapur, Adv.

Mr.Ravi Sharma, Adv.

Mr. Vivek Suri, Adv.

Ms. Niharika Karanjawala, Adv.

Ms. Apporva Pandey, Adv.

Mr. Subhash Sharma, Adv.

Ms. Manik Karanjawala, Adv.

Mr. A.M. Soder, Adv.

Mr. S.N. Raj, Adv.

Mr. Edith Dey, Adv.

M/s. Karanjawala & Co.,Adv.

For Respondent(s)

Mr. Nishant Ramakantrao Katneshwarkar,Adv.

Mr. Arpit Rai, Adv.

Mr. Nikhil Chaudhari, Adv.

Mr. Arvind S. Avhad,Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

Appeal is allowed in terms of the signed order.

(Ashok Raj Singh)

Court Master

(Signed Order is placed in the file)

(Veena Khera)

Court Master