

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO(S).2830 OF 2024  
(ARISING OUT OF S.L.P. (CRIMINAL) NO(S).3863/2024)

SURENDRA CHOUDHARY

APPELLANT(S)

VERSUS

THE STATE OF JHARKHAND

RESPONDENT(S)

O R D E R

Heard the learned counsel appearing for the parties.

Leave granted.

The contention of the respondent-State is that the appellant was identified by the daughter-in-law of the deceased during the Test Identification Parade. However, we find that at least 07 co-accused, who were identified in the Test Identification Parade, have been enlarged on bail. No antecedents of the appellant have been reported.

Before we part with this order, we must record our disapproval to the counter affidavit filed by the respondent-State. The respondent-State has relied upon so-called confession made by the appellant before the Police Officer which is *per se* not admissible in evidence.

Hence, the appellant deserves to be enlarged on bail pending the trial. For that purpose, we direct that the appellant shall be produced before the Trial Court within a maximum period of one week from today. The Trial Court shall enlarge the appellant on bail on appropriate terms and conditions till the conclusion of the trial.

The Appeal is, accordingly, allowed.

.....J.  
(ABHAY S. OKA)

.....J.  
(AUGUSTINE GEORGE MASIH)

NEW DELHI;  
JULY 09, 2024.

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). 3863/2024

(Arising out of impugned final judgment and order dated 05-01-2024 in BA No. 9254/2023 passed by the High Court of Jharkhand at Ranchi)

SURENDRA CHOUDHARY

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND

Respondent(s)

(IA No. 67881/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA NO.143355/2024 - EXEMPTION FROM FILING O.T.)

Date : 09-07-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Ms. Rajshree Sinha, Adv.  
Dr. Amardeep Gaur, Adv.  
Mr. Naved Anwar, Adv.  
M/S. V. Maheshwari & Co., AOR

For Respondent(s) Ms. Pragya Bhagel, Adv.  
Ms. Madhusmita Bora, AOR  
Mr. Pawan Kishore Singh, Adv.  
Mr. Dipankar Singh, 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. The operative portion of the order reads thus:

"Hence, the appellant deserves to be enlarged on bail pending the trial. For that purpose, we direct that the appellant shall be produced before the Trial Court within a maximum period of one week from today. The Trial Court shall enlarge the appellant on bail on appropriate terms and

conditions till the conclusion of the trial.  
The Appeal is, accordingly, allowed.”

Pending applications stand disposed of accordingly.

(ASHISH KONDLE)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]