

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1037/2023
[@ SLP (Cr1.) No.3471/2022]

ABDUL AZIM & ANR. Appellant (s)

VERSUS

THE STATE OF JHARKHAND & ANR. Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for parties.

We did put to the learned counsel for respondent No.2 that if there is an issue of settlement of the estate of the deceased husband, the appellants are willing to offer a share according to the *Shariyat* law. However, it appears from the response of the learned counsel for respondent No.2 that the said respondent is not interested in it.

Insofar as the issue of bail is concerned, the appellants were protected by an ad interim order of this Court dated 27.04.2022. It transpires in the course of arguments that the charge sheet was filed on 28.02.2022.

It is however, not disputed that the appellants were not arrested during the investigation. That being the case, the principles laid down in *Siddharth v. State of Uttar Pradesh & Anr.*- (2022) 1 SCC 676 would apply in the facts of the case.

In the given conspectus of the aforesaid facts and circumstances and looking to the orders passed by the trial Court summoning the appellants as also that the appellant No.1 is 85 years old, we consider appropriate to direct as under:

- a) The appellants will apply for regular bail before the trial Court. The bail application should be filed within three weeks from today.
- b) The trial Court will take into account the principles laid down in *Siddharth's* case (supra).
- c) Till the bail application is decided, the interim protection granted to the appellants on 27.04.2022 will continue to operate.

The appeal stands disposed of.

..... J.
[SANJAY KISHAN KAUL]

..... J.
[AHSANUDDIN AMANULLAH]

NEW DELHI;
APRIL 10, 2023.

ITEM NO.7

COURT NO.2

SECTION II-A

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 (CrI.) No(s). 3471/2022

(Arising out of impugned final judgment and order dated 10-03-2022 in ABA No. 10022/2021 passed by the High Court Of Jharkhand At Ranchi)

ABDUL AZIM & ANR.

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND & ANR.

Respondent(s)

Date : 10-04-2023 This petition was called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Siddharth Dave, Sr. Adv.
Mr. M.Z. Chaudhary, Adv.
Mr. Aftab Ali Khan, AOR
Ms. Vidhi Thaker, Adv.
Mr. Tabarak Hussain, Adv.
Mr. Arvind Kumar K., Adv.
Mr. Ali Safeer Farooqi, Adv.

For Respondent(s) Mr. Vishnu Sharma,, Adv.
Ms. Meenakshi Chatterjee, Adv.
Mr. Jayant Mohan, AOR

Mr. Vikash Chandra Shukla , AOR
Mr. Yashvardhan, Adv.
Mr. Piyush Singh, Adv.
Mr. Nitesh Ranjan, Adv.
Mr. Amritesh Raj, Adv.
Mr. Parijat Chandan, Adv.
Mr. Siddhartha Relan, Adv.
Mr. Puspraj Singh Parihar, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

[Signed order is placed on the file]