

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 966 OF 2023
(@ SLP (Cr1.) No. 3707/2023)

THE STATE OF WEST BENGAL

Appellant(s)

VERSUS

PRABHA SURANA

Respondent(s)

O R D E R

1. Leave granted.
2. We have heard Mr. Harin P. Raval, learned Senior Advocate, appearing on behalf of the appellant-State and Mr. Sunil K. Mittal, learned Advocate, appearing on behalf of the respondent-accused, who is on caveat.
3. Having gone through the impugned order passed by the High Court, which is only in two paragraphs by which the High Court has directed to release the respondent on bail, we are of the opinion that the impugned order passed by the High Court is absolutely unsustainable. The order reads as under:-

"The petitioner is accused of being involved in a Ponzi scam.

She is in custody for 154 days.

Two co-accused being her daughter and son are enlarged on bail further to orders passed by this court confirmed by Supreme Court and the learned trial court respectively.

Charge-sheet has been filed. It does not appear from the records or from the submissions made that custodial interrogation of the petitioner is required for any further investigation.

Accordingly, we allow this application for bail."

4. From the order releasing the respondent on bail, it appears that the High Court has neither considered even the allegations against the accused nor even considered and/or taken into consideration the material collected during the investigation.

Even the High Court has specifically observed that the charge-sheet has been filed. From the impugned order passed by the High Court, it appears that, what is weighed with the High Court is that the custodial interrogation of the accused is not required for any further investigation. That can be a relevant consideration for the purpose to grant of anticipatory bail. However, the same cannot be said to be relevant consideration for the purpose of grant of regular bail.

5. For grant of regular bail, the nature and gravity of the offences alleged; the role attributed to the accused; the material collected during the course of investigation are required to be considered, which the High Court has failed to consider.

6. Even on the ground of parity also, the High Court is required to consider the case of each accused and the role attributed to each accused and mechanically and blindly the another accused cannot be released on parity unless it is found that the nature of allegations against both the accused are similar.

7. In view of the above and for the reasons stated above, the present appeal is allowed. The impugned order passed by the High Court releasing the respondent on bail is, hereby, quashed and set aside. The matter is remitted back to the High Court to decide and dispose of the bail application afresh in accordance with law and on merits and after taking into consideration the material

collected during the course of the investigation as early as possible.

.....J
(M.R. SHAH)

.....J
(C.T. RAVIKUMAR)

New Delhi;
March 29, 2023

ITEM NO.22

COURT NO.4

SECTION II-B

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

Special Leave Petition (Crl.) No(s). 3707/2023

THE STATE OF WEST BENGAL

Petitioner(s)

VERSUS

PRABHA SURANA

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 29-03-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Harin P Raval, Sr. Adv.
Ms. Astha Sharma, Adv.
Mr. Himanshu Chakravarty, Adv.
Ms. Shreya, Adv.
Ms. Shrestha Narayan, Adv.
Ms. Nandini Sen Mukherjee, AOR

For Respondent(s) Mr. Sunil K. Mittal, Adv.
Mr. Kshitij Mittal, Adv.
Mr. Anshul Mittal, Adv.
Ms. Aanchal Arora, Adv.
Mr. Sachit Arora, Adv.
Ms. Reshmi Rea Sinha, AOR

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

Leave granted.

The present appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)