

xT

SLP(Crl.)No. 3379 OF 2000

.PL58

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 345 of 2001@@

EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE

(Arising out of S.L.P. (Crl.) No. 3379 of 2000)

Sanjeev Nagpaul & Anr. ..Appellants

Vs.

State of Tamil Nadu ..Respondent

O R D E R@@

EEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.

Appellants have been arrayed as accused in an F.I.R. which was lodged by respondent no. 2. They moved the High Court of Madras for anticipatory bail but the same was rejected by the impugned order.

Mr. R.K. Jain, learned senior counsel for the appellants submitted that though offences under Sections 457, 380, 408, 420 read with Section 120-B of the Indian Penal Code have been mentioned in the F.I.R. the allegations would show that the dispute between the second respondent and the appellants are purely of civil nature. Mr. Gopal Subramonium, learned senior counsel for the second respondent submitted that if criminal offences are committed on the basis of civil transactions that cannot denude of its criminal liability. The legal position is well settled and it need not be repeated here.

..2/-

:2:

We may note that appellants have obtained an order of anticipatory bail from the Additional Sessions Judge, Delhi on 20.8.1999 that appellants shall not be arrested during the time they have to approach the court at Madras, for a duration of 15 days. The appellants are at large even now and no arrest was effected consequent upon an order passed by this Court.

Looking at the transactions between the parties we are inclined to grant anticipatory bail to them on some conditions. We make it clear that we made reference to the transactions only for the purpose of considering whether pre-arrest bail can be granted or not. Accordingly, we direct that in the event of appellants being arrested they shall be released on bail on each of them executing a bond for Rs. 50,000/- (Rs. fifty thousand) with two solvent sureties to the satisfaction of the arresting officer. Appellants shall abide by the following conditions:

.....H.....L.....T.....T.....T.....T.....T.....T.....J

- 1. They shall be present at such place and at such time as may be directed by the investigating officer for the purpose of

interrogation. If pursuant to such interrogation any recovery of articles are needed the investigating officer would be at liberty to do so and such recovery would be deemed to have been effected while the appellants were in custody; and

..2/-

:2:

2. They shall attend the court on being summoned or required by the court.  
This appeal is disposed of accordingly.

.SP1

.....J.@@  
BB  
(K.T. THOMAS)@@  
BB

.....J.@@  
BB  
(R.P. SETHI)@@  
BB  
NEW DELHI@@  
BBBBBBBBBBBBBBBBBBBB  
MARCH 23, 2001 @@  
BBBBBBBBBBBBBBBBBBBB

.PA

.PL58

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 345 of 2001@@  
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE

(Arising out of S.L.P. (Crl.) No. 3379 of 2000)

Sanjeev Nagpaul & Anr. ..Appellants

Vs.

State of Tamil Nadu ..Respondent

O R D E R@@  
EEEEEEEE

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.  
Appellants have been arrayed as accused in an F.I.R. which was lodged by respondent no. 2. They moved the High Court of Madras for anticipatory bail but the same was rejected by the impugned order.  
Mr. R.K. Jain, learned senior counsel for the appellants submitted that though offences under Sections 457, 380, 408, 420 read with Section 120-B of the Indian Penal Code have been mentioned in the F.I.R. the allegations would show

that the dispute between the second respondent and the appellants are purely of civil nature. Mr. Gopal Subramonium, learned senior counsel for the second respondent submitted that if criminal offences are committed on the basis of civil transactions that cannot denude of its criminal liability. The legal position is well settled and it need not be repeated here.

..2/-

:2:

We may note that appellants have obtained an order of anticipatory bail from the Additional Sessions Judge, Delhi on 20.8.1999 that appellants shall not be arrested during the time they have to approach the court at Madras, for a duration of 15 days. The appellants are at large even now and no arrest was effected consequent upon an order passed by this Court.

Looking at the transactions between the parties we are inclined to grant anticipatory bail to them on some conditions. We make it clear that we made reference to the transactions only for the purpose of considering whether pre-arrest bail can be granted or not. Accordingly, we direct that in the event of appellants being arrested they shall be released on bail on each of them executing a bond for Rs. 50,000/- (Rs. fifty thousand) with two solvent sureties to the satisfaction of the arresting officer. Appellants shall abide by the following conditions:

.....H.....L.....T.....T.....T.....T.....T.....T....J

1. They shall be present at such place and at such time as may be directed by the investigating officer for the purpose of interrogation. If pursuant to such interrogation any recovery of articles are needed the investigating officer would be at liberty to do so and such recovery would be deemed to have been effected while the appellants were in custody; and

..2/-

:2:

2. They shall attend the court on being summoned or required by the court.

This appeal is disposed of accordingly.

.SP1

.....J.@@

BB

(K.T. THOMAS)@@

BB

.....J.@@

BB

(R.P. SETHI)@@

BB

NEW DELHI@@

BBBBBBBBBBBBBBBBBBBB

MARCH 23, 2001 @@

BBBBBBBBBBBBBBBBBBBB

.PA

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. 3379/2000  
(From the judgement and order dated 18/07/2000 in CRLOP 12825/2000  
of The HIGH COURT OF MADRAS)

SANJEEV NAGPAUL & ANR.

Petitioner (s)

VERSUS

STATE OF TAMIL NADU  
( With Appln(s). for anticipatory bail )  
( With Office Report )

Respondent (s)

Date : 23/03/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. RK Jain, Sr. Adv.  
Mr. Sanjeev Dubey, Adv.  
Mr. K.V. Mohan, Adv.

For Respondent Mr. V.G. Pragasam, Adv.

for Complainant Mr. Gopal Subramaniam, Sr. Adv.  
Mr. Manoj Swarup, Adv.  
Mr. Hiren Dasan, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.

.SP2

Leave granted.  
Appeal is disposed of in terms of the signed order.

.SP1

(N.K. Goel)  
Court Master

(H.K. Bhatia)  
Court Master

(Signed order is placed on the file)