

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).3082/2006

(From the judgement and order dated 02/05/2006 in CRLP No. 127/2005
of The

HIGH COURT OF KARNATAKA AT BANGALORE)

VAJEER AHMED KHAN

Petitioner(s)

VERSUS

STATE BY THE C.B.I.

Respondent(s)

(With appln(s) for bail and office report)

Date: 20/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr. T.V.S. Iyer, Sr. Adv.

Mr. Naresh Kaushik, Adv.

Ms. Amita Kalkal, Adv.

Mrs Lalita Kaushik, Adv.

For Respondent(s) Mr. Amredndra Sharan, ASG

Mr. Rudreshwar Singh, Adv.

For Mr. P. Parmeswaran, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Leave granted.

The appeal is allowed in terms of the signed order.

(R.K. DHAWAN)

(VIJAY AGGARWAL)

COURT MASTER

COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2006
(Arising out of SLP(Crl.) No.3082/2006)

VAJEER AHMED KHAN

.... APPELLANT

VERSUS

STATE BY C.B.I.

.... RESPONDENT

T.

O R D E R

Heard learned counsel for the parties.

Leave granted.

The appellant was working as Assistant Sub-Inspector of Police posted at City Market Police Station, Bangalore. The appellant is the second accused in a crime registered by the Crime Branch of Bangalore City, now being investigated by the CBI. We are told that the final report has already been submitted before the Court. The trial is awaited. The appellant has been in custody since 7.7.2004. As per the final report, allegation against the present appellant is that he allegedly committed the offence under Section 120B read with Sections 256, 109, 201, 259 342, 469 and 471 IPC. Out of these offences, the offences under Sections 256 and 259 appear to be more serious in nature. Offence under Section 259 is a bailable offence though the offence under Section 256 is non-bailable.

The allegation against the appellant is that, in order to help accused no.3 Abdul Kareem Telgi, he falsely framed a case against M.Suresh Babu, Kamal, Hemant Kumar, C.P.Jeevan and two others

alleging that they were making/creating fake stamps and rubber stamps

-2-

as a rival to the 3rd accused Abdul Kareem Telgi. It is alleged that

appellant created false evidence to show that some instruments for

making fake stamps were recovered from these accused persons. The

maximum imprisonment is 7 years under Sections 256 and 259 each.

The trial is not yet started and we are told that 38 witnesses are to be

examined by the prosecution and it would inevitably take a substantial

time.

Taking into consideration these facts we are of the view that the

appellant can be granted bail at this juncture under certain terms and

conditions. That the appellant shall not dissuade any witness from

giving evidence in support of prosecution making use of his influence as

an ex-police officer and if there is any complaint of interfering with the

proper conduct of a fair trial in court the prosecution would be at liberty

to move for cancellation of his bail. The appellant is directed to be

released on bail on executing bail bonds for a sum of Rs.25,000/- with

two sureties of the like amount to the satisfaction of the 1st ACMM,

Bangalore.

The appeal is allowed accordingly

.....J

.....

(K.G. BALAKRISHNAN)

.....J

(D.K. JAIN)

NEW DELHI;

NOVEMBER 20, 2006.