

1&
ITEM NO.22

COURT NO.3

SECTION II

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).5013/2013
(From the judgment and order dated 29/05/2013 in DBCRM No.552/2009 in DBCRM
No.531/2013 of The HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR)

MAJLISH Petitioner(s)

VERSUS

STATE OF RAJASTHAN Respondent(s)
(With application for bail and office report)

Date: 21/06/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE RANJAN GOGOI
[VACATION BENCH]

For Petitioner(s) Mr. Rashid Khand, Adv.
Mr. Aftab Ali Khan, Adv.

For Respondent(s) Mr. Ajay Veer Singh, Adv.
Mr. R.K. Verma, Adv.
Ms. Aishwarya Jain, Adv.
Mr. Uday Ram, Adv.
Mr. Milind Kumar, Adv.

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

Leave granted.
Heard learned counsel for the appellant and Mr. Ajay Veer Singh, learned
counsel for the State who says that he has got no instructions as yet from the
State.
The appeal is allowed and the impugned order of the High Court is set aside in
the above terms.

[KALYANI GUPTA] | [SHARDA KAPOOR]
COURT MASTER | COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 803 of 2013
ARISING OUT OF S.L.P.(CRL) NO. 5013 OF 2013

MAJLISH APPELLANT

VERSUS

STATE OF RAJASTHAN RESPONDENT

O R D E R

Leave granted.

2. Heard learned counsel for the appellant and Mr. Ajay Veer Singh, learned counsel for the State who says that he has got no instructions as yet from the State.

3. The appellant had filed an application for interim temporary bail before the High Court pending Criminal Appeal No. 552 of 2009 which was filed against his conviction and the ground taken by the appellant before the High Court was that the marriage of his sister is going to take place on 23rd June, 2013.

4. In the impugned order, although the High Court has taken note of the fact that the learned Public Prosecutor appearing before the High Court had verified telephonically that the marriage of the sister of the appellant was scheduled for 23rd June, 2013, the High Court rejected the prayer for interim temporary bail only on the ground that the co-accused Ashu who was granted bail was absconding and had not surrendered and there was every chance of the appellant also absconding.

5. The apprehension that the appellant may also abscond as the co-accused Ashu is absconding is not based on any materials. As the sister of the appellant is getting married on 23rd June, 2013, we think that this is a fit case in which the appellant should be released on temporary bail for a period of one week with immediate effect. Accordingly, we direct that the appellant will be released on bail to the satisfaction of the trial court which convicted him for a period of one week commencing from 22nd June, 2013. After the expiry of the bail period, the appellant will forth with surrender before the trial court and will be taken back into custody immediately on expiry of the aforesaid period.

6. The appeal is allowed and the impugned order of the High Court is set aside in the above terms.

.....J
[A.K. PATNAIK]

.....J
[RANJAN GOGOI]

NEW DELHI
June 21, 2013.