

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).5121/2011

(From the judgement and order dated 24/06/2011 in BA No.890/2011
of The HIGH COURT OF DELHI AT N. DELHI)

AKHTAR KHAN Petitioner(s)

VERSUS

STATE OF DELHI Respondent(s)

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

Date: 16/12/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CYRIAC JOSEPH
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Sanjay Kumar, Adv.
Dr. (Mrs.) Vipin Gupta,Adv.

For Respondent(s) Mr. Siddhartha Dave, Adv.
Mr. J.K.Mishra, Adv.
Mrs Anil Katiyar,Adv.

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

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

(Shashi Sareen) (Renuka Sadana)
Court Master Court Master
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 2329 OF 2011
(Arising out of SLP(Crl.) No. 5121 of 2011)

AKHTAR SINGH ... Appellant(s)

Versus

STATE OF DELHI ... Respondent(s)

O R D E R

Leave granted.

This appeal is filed against the order dated 24.06.2011 passed by the High Court of Delhi dismissing the application for bail filed by the appellant under Section 438 of the Code of Criminal Procedure.

We have heard learned counsel for the appellant and learned counsel for the respondent-State.

While issuing notice on 25.07.2011, this Court passed an interim order directing that in case the petitioner is arrested, he shall be released on bail to the satisfaction of the trial court. The alleged offence is under Section 406 of the Indian Penal Code. The investigation is still going on. The petitioner has not been arrested so far.

Having regard to the statements in the FIR and the nature of the case, we are of the view that custodial
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interrogation may not be necessary in this case. Hence the interim order, directing to release the appellant on bail in case of his arrest, is confirmed.

The appellant shall appear before the Investigating Officer on or before 31.12.2011 and shall co-operate with the investigation of the case. He shall make himself available for interrogation as and when required by the Investigating Officer. In case the appellant is arrested by the Investigating Officer, he shall be released on bail to the satisfaction of the Investigating Officer.

With the above directions, the appeal is disposed of.

.....J.
(CYRIAC JOSEPH)

.....J.
(GYAN SUDHA MISRA)

New Delhi,
December 16, 2011.