

(
ITEM NO.62

COURT NO.9

SECTION II

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

Petition(s) for Special Leave to Appeal (Crl) No(s).4673/2012
(From the judgment and order dated 11/05/2012 in CRLRP No. 243/2012 of The
HIGH COURT OF DELHI AT NEW DELHI)

RAKESH GUPTA

Petitioner(s)

VERSUS

STATE OF NCT OF DELHI

Respondent(s)

(With application for bail and office report)

Date: 29/10/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)

Mr. Prem Kumar, Adv.

Mr. Rajiv sharma, Adv.

Mr. Rakesh Kumar, Adv.

Mr. Ashish sharma, Adv.

Dr. V.P. Appan, Adv.

For Respondent(s)

Mr. Rakesh K. Khanna, ASG.

Ms. Madhurima Mridul, Adv.

Mr. D.S. Mahra, Adv.

Mr. B.V. Balaram Das, Adv.

UPON hearing counsel the Court made the following

O R D E R

| Leave granted.

| Heard learned counsel for the parties.

| The appellant shall be released forth with on bail if not required in
| connection with any other case.

| The appeal stands disposed of in terms of the signed order.

| [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 NO. 1712 OF 2012
ARISING OUT OF SLP(CRL) NO. 4673 OF 2012

RAKESH GUPTA

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APPELLANT

VERSUS

STATE OF NCT OF DELHI

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RESPONDENT

O R D E R

Leave granted.

By order dated 27th September, 2011 passed by the Additional Sessions Judge(Fast Track Court), the appellant was granted bail on furnishing personal bond for a sum of ` 20,000/- with one surety of like amount to the satisfaction of the Metropolitan Magistrate subject to furnishing a bank guarantee or depositing 50 percent of the alleged cheated amount in court. This order was passed in connection with FIR No. 113 of 2011 of P.S. Harsh vihar, Delhi under Section 420/506 of the Indian Penal Code registered against the appellant. The appellant moved the High Court in Criminal Revision No. 243/2012. By the impugned order dated 11th May, 2012, the High Court held that there was no illegality in the order of the trial Court in imposing the condition for grant of bail for furnishing a bank guarantee or depositing 50 per cent of the alleged cheated amount in the Court.

We have heard the learned counsel for the parties and we find that the High Court in the impugned order has mentioned that the amount which the appellant is alleged to have cheated is about ` 90 lakhs and 50 per cent of this amount will work out to ` 45 lakhs. Obviously, the appellant cannot be asked to deposit a huge amount of ` . 45 lakhs or furnish a bank guarantee in lieu thereof as a condition for his enlargement on bail.

We, therefore, modify the order passed by the Additional Sessions Judge (FTC) as well as the order impugned herein passed by the High Court by deleting the direction to deposit 50 per cent of the alleged amount in Court or furnishing a bank guarantee in lieu thereof. Rest of the order passed by the learned Additional Sessions Judge (FTC) as well as the High Court shall remain in tact. If the appellant satisfies rest of the conditions in the order passed by the trial court, he shall be released forth with on bail if not required in connection with any other case.

The appeal stands disposed of in the above terms.

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

.....J
[H.L. GOKHALE]

NEW DELHI
OCTOBER 29, 2012.