

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 592 OF 2013  
(arising out of SLP (Crl.) 6308 of 2012)

VIMAL GHOSH @ VIMAN

Petitioner(s)

VERSUS

STATE OF RAJASTHAN

Respondent(s)

O R D E R

Leave granted.

We had, by our order dated 28.09.2012, enlarged the appellant on interim bail for a period of six months subject to his furnishing bail bonds in a sum of Rs. 2,00,000/- with two sureties in the like amount to the satisfaction of the Chief Judicial Magistrate, Jaipur.

The bail order was subject to the following conditions :-

- 1) The petitioner shall not leave the city of Jaipur without obtaining specific permission from the Chief Judicial Magistrate concerned.
- 2) The petitioner shall report every week to the jurisdictional police station investigating the case;
- 3) The petitioner shall co-operate with the ongoing investigation and refrain from tampering with the evidence in any manner whatsoever.

Mr. Ranjan Mukherjee, learned counsel for the petitioner, submits that the petitioner is complying with the conditions stipulated by this Court and that he has not, in any manner, abused the indulgence shown to him. He further states that the chargesheet has already been filed and the matter is now pending before the Trial Court. The order passed by us could, therefore, be made absolute pending final disposal of the trial.

Dr. Manish Singhvi, learned counsel for the respondent, on the other hand, argued that if the order of interim bail is to be made absolute, the prosecution should be given the liberty to seek cancellation of the order of bail in the event of the petitioner tampering with the evidence or making any other attempt to delay or derail the trial. He further submits that the order passed by this Court should not be interpreted to be expressing any opinion on the merits of the cases of other accused persons who may, on the analogy of this order, seek release on bail on similar grounds and subject to similar conditions.

In the circumstances, therefore, and keeping in view the fact that the investigation is complete and the chargesheet has already been filed, we see no reason why this appeal should continue on our board. The appeal is, accordingly, disposed of, making the order of this Court dated 28.09.2012 absolute pending conclusion of the trial by the Court below.

Liberty is given to the respondent/ prosecution to seek cancellation of the order of bail granted by us, if the occasion so arises, by moving an application before the Trial Court. We make it clear that any other application made by any other accused person for grant of bail shall be considered by the court concerned uninfluenced by the order made by us.

.....J.  
[T. S. THAKUR]

.....J.  
[GYAN SUDHA MISRA]

New Delhi;  
April 15, 2013.

ITEM NO.40

COURT NO.9

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).6308/2012

(From the judgement and order dated 03/05/2012 in SBCRM No.4149/2012 of  
The HIGH COURT OF RAJASTHAN AT JAIPUR)

VIMAL GHOSH @ VIMAN

Petitioner(s)

VERSUS

STATE OF RAJASTHAN

Respondent(s)

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

Date: 15/04/2013 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Ranjan Mukherjee, Adv.  
Mr. S. C. Ghosh, Adv.  
Mr. Parijat Sinha, Adv.

For Respondent(s) Dr. Manish Singhvi, Addl.Adv.Gen., Rajasthan  
Mr. Amit Lubhaya, Adv.  
Ms. Pragati Neekhara, 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.

| (Jayant Kumar Arora) | | (Veena Khera) |  
| Sr. P.A. | | Court Master |

(Signed order is placed on the file)