

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).6789/2011

(From the judgement and order dated 15/03/2011 in CRLA No.1225/2010 in CRLA No. 319/2008 of The HIGH COURT OF BOMBAY)

RAKESH RAMNARAYAN MISHRA Petitioner(s)

VERSUS

STATE OF MAHARASHTRA Respondent(s)

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

Date: 17/10/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s) Mr. Pradeep Aggarwal, Adv.
Mr. Lal Pratap Singh, Adv.
Mr. Ram Niwas, Adv.
Ms. N.Annapoorani, Adv.

For Respondent(s) Mr. Sachin Patil, Adv.
Mr. Sanjay Kharde, Adv.
Ms. Asha Gopalan Nair, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(DEEPAK MANSUKHANI) (SHARDA KAPOOR)
Court Master Court Master

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1942 OF 2011
(Arising out of SLP(Crl.) No. 6789 of 2011)

RAKESH RAMNARAYAN MISHRA Appellant(s)

VERSUS

STATE OF MAHARASHTRA Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the orders passed by the

High Court of Judicature at Bombay in Criminal Application No. 1225 of 2010 in Criminal Appeal No. 319 of 2008 dated 15.03.2011. By the impugned order, the High Court has refused to grant bail to the appellant, though, such a bail was granted to Accused no. 1 in the case.

We have carefully perused the evidence on record, in particular, the evidence of PW 5, Mr. Ramkrishna Bhandari. In his evidence, he has not attributed any overt act on the part of the appellant. The High Court, in the case of one Mr. Rajesh, has already suspended the sentence and has granted bail.

In our opinion, the case of the appellant stands on the same footing as that of Accused No. 1. Therefore, appellant deserves to be released on bail during the pendency of the appeal before the High Court.

Accordingly, the appeal is allowed and it is directed that the appellant be released on bail on his furnishing a personal bond in a sum of Rs. 20,000/- with one surety like amount to the satisfaction of the Trial Court. He shall report to the Boiwada Police Station, Mumbai on every alternate day between 8.00 AM to 10.00 AM or 6.00 PM to 8.00 PM and he shall

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not leave Mumbai City unless permitted by Senior Police Inspector of the said Police Station.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI
OCTOBER 17,2011