

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1002 OF 2014
(Arising out of SLP (Crl.) No.4101 of 2013)

VIVEKANAN JHA

APPELLANT

VERSUS

STATE OF CHHATTISGARH

RESPONDENT

O R D E R

Leave granted.

The appellant has preferred this appeal against the order dated 21st February, 2013, passed by the High Court of Chattisgarh at Bilaspur in M.Cr.C.(A) No.91 of 2013. By the impugned order, the High Court rejected the prayer of the appellant for anticipatory bail in connection with Crime No.43/2012, registered in Police Station-Suregaon, District Balod for alleged commission of offence under Sections 420, 406, 188, 409 of the IPC.

On 10th May, 2013, notice was issued on respondent and the following interim order was passed :

"In the meanwhile, in the event the petitioner is arrested in connection with F.I.R. No. 43/12, dated 11th December, 2012 of P.S. Suregon, District Balod, Chhattisgarh, he will be released on interim bail to the satisfaction of the arresting authority, subject to the condition that the petitioner will cooperate with the investigation in all respects."

On notice, respondent has appeared.

The learned counsel for the respondent submits that the appellant has not joined the investigation after interim order passed by this Court.

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On the other hand, according to the learned counsel for the appellant he has already intimated the officers about the documents available with him and he had not been asked to appear on a particular date.

Having heard the learned counsel for the parties and taking into consideration the facts and circumstances of the case, we allow the prayer, set aside the order dated 21.02.2013 passed by the High Court of Chhattisgarh at Bilaspur in M.Cr.C.(A) No. 91 of 2013 and direct that in the event of arrest in connection with FIR No.43/2012, registered in Police Station-Suregaon, District Balod, the appellant-Vivekanand Jha, S/o Laxmi Kant Jha be enlarged on bail subject to his furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with two solvent sureties for the like amount to the satisfaction of the Trial Court.

However, he will cooperate with the police in the matter of investigation and must report the Police Station once in a fortnight till the investigation is completed.

The appeal is allowed with the aforesaid observations and directions.

.....J.
[SUDHANSU JYOTI MUKHOPADHAYA]

.....J.
[RANJAN GOGOI]

New Delhi;
April 30, 2014.

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ITEM NO.55

COURT NO.10

SECTION IIA

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).4101/2013
(From the judgement and order dated 21/02/2013 in MCRC No.91/2013
of The HIGH COURT OF CHHATTISGARH AT BILASPUR)

VIVEKANAN JHA

Petitioner(s)

VERSUS

STATE OF CHHATTISGARH
(With appln(s) for stay and office report)

Respondent(s)

Date: 30/04/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. Imtiaz Ahmed, Adv.
Dr. Harsh Pathak, Adv.
Mr. Neeraj Shekhar, Adv.
Mr. Mohit Choubey, Adv.
Mr. Farukh Rasheed, Adv.
M/S.Equity Lex Associates, Adv.

For Respondent(s) Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

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

The order dated 21.02.2013 passed by the High Court of Chhattisgarh at Bilaspur in M.Cr.C.(A) No. 91 of 2013 is set aside and direct that in the event of arrest in connection with FIR No.43/2012, registered in Police Station-Suregaon, District Balod, the appellant-Vivekanand Jha, S/o Laxmi Kant Jha be enlarged on bail subject to his furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with two solvent sureties for the like amount to the satisfaction of the Trial Court.

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However, he will cooperate with the police in the matter of investigation and must report the Police Station once in a fortnight till the investigation is completed.

The appeal is allowed in terms of the Signed Order.

[RAJNI MUKHI]
SR. P.A.

[USHA SHARMA]
COURT MASTER

(Signed Order is placed on the file)

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