

ITEM NO.2

COURT NO.12

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Special Leave to Appeal (Crl.) No(s). 4161-4162/2023

(Arising out of impugned final judgment and order dated 28-11-2022 in CRLC No. 47003/2022 23-02-2023 in MCRC No. 61243/2022 passed by the High Court Of M.P. Principal Seat At Jabalpur)

AJAY KHANDELWAL

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

Respondent(s)

IA No. 52147/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 148106/2023 - EXEMPTION FROM FILING O.T.

IA No. 125071/2023 - EXEMPTION FROM FILING O.T.

IA No. 52149/2023 - EXEMPTION FROM FILING O.T.

IA No. 66199/2024 - EXEMPTION FROM FILING O.T.

IA No. 40408/2024 - EXEMPTION FROM FILING O.T.

IA No. 188511/2023 - PERMISSION TO FILE ADDL DOCUMENTS/ FACTS/ANNXs

IA No. 166433/2023 - PERMISSION TO FILE ADDL DOCUMENTS/FACTS/ANNXs

IA No. 52153/2023 - PERMISSION TO FILE ADDL DOCUMENTS/FACTS/ ANNXs

Date : 14-05-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Siddhartha Dave, Sr. Adv.
Mr. Gagan Sanghi, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Mr. Abhimanyu Singh Ga, Adv.
Mr. Sunny Choudhary, AOR
Mr. Utkarsh Mishra, Adv.

Mr. Santosh Paul, Sr. Adv.
Ms. Diksha Rai, AOR
Mr. Arijit Dey, Adv.
Ms. Aliga Singh, Adv.
Ms. Apurva Sachdev, Adv.
Mr. Sajjal Yadav, Adv.
Mr. Rohan Alva, Adv.
Mr. Ishan Kapoor, Adv.

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

The petitioner seeks leave to assail the judgment and final orders dated 28.11.2022 in Misc. Criminal Case no. 47003/2022 and 23.02.2023 in Misc. Criminal Case No. 61243/2022 passed by the High Court of Madhya Pradesh at Jabalpur.

The petitioner filed an application for anticipatory bail in connection with Crime No. 275/2022 registered for the offences under Sections 420, 409, 467, 468, 471 read with Section 34 of the Indian Penal Code (IPC) and Section 120B IPC, which was rejected by the High Court vide impugned order dated 28.11.2022 on the ground that the investigation was at a primary level. The second anticipatory bail application was rejected under order dated 23.02.2023.

Heard learned Senior Counsel for the petitioner and learned counsel for the State as also learned Senior Counsel for the respondent no.2.

This Court vide order dated 27.3.2023 granted interim protection to the petitioner subject to his joining the investigation, which order was extended from time to time.

It is the submission of the learned Senior Counsel for the petitioner that pursuant to the order passed by this Court, the petitioner had appeared 24 times before the Investigating Officer. However, the stand of the learned counsel for the State is that the petitioner has not co-operated with the investigation. In that regard, he would further submit that the petitioner is not handing over documents believed to be in his possession. Virtually, the learned Senior Counsel for the complainant/respondent no.2 would also endorse the said submission. At the same time, learned Senior Counsel for the petitioner would submit that the documents which are in the possession of the petitioner, have been handed over to

the investigating agency and in compliance with the order of this Court, the petitioner has been unfailingly appearing before the Investigating Officer as and when he is called.

Taking into account the situation thus obtained and also the fact that the allegations pertain to the period commencing from 2008-09, we are of the view that the special leave petitions can be disposed of with the direction that in the event of the arrest of the petitioner, he shall be released on bail subject to the terms and conditions to be imposed by the Investigating Officer/ jurisdictional Magistrate. Ordered accordingly. Needless to say that the petitioner shall continue to co-operate with the investigation.

The special leave petitions are disposed of as above.

Pending application(s), if any, stands disposed of.

(DR. NAVEEN RAWAL)
DY. REGISTRAR

(MATHEW ABRAHAM)
COURT MASTER (NSH)