



ITEM NO.2

COURT NO.8

SECTION II-A

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 (CrI.) No. 4073/2024

(Arising out of impugned final judgment and order dated 26-02-2024 in MCRC No. 7936/2024 passed by the High Court of M.P. Principal Seat at Jabalpur)

SUNIL KUMAR JHARIYA

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

(FOR ADMISSION and IA No.71123/2024-EXEMPTION FROM FILING O.T.)

Date : 08-07-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI

HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s)

Mr. Suyash Guru, Adv.
Mr. Vardhman Kaushik, AOR
Mr. Nishant Gautam, Adv.

For Respondent(s)

Mr. Sunny Choudhary, AOR
Mr. Abhimanyu Singh Ga, Adv.
Mr. Manoj Kumar, Adv.

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

The petitioner is apprehending his arrest in connection with Crime No. 59 of 2024 dated 09.02.2024 registered at Police Station Tendukheda, District Damoh, Madhya Pradesh, for the offence punishable under Sections 294, 323, 506, 306 and 34 of the Indian Penal Code, 1860.

While issuing notice on 01.04.2024, this Court, by way of interim relief, directed that no coercive steps shall be taken against the petitioner subject to his cooperation in the investigation.

In the counter affidavit filed and during hearing, cooperation of petitioner during investigation has not been disputed and contended that he appeared before the Investigating Officer. Considering all the attending circumstances, without expressing any opinion on the merits of the case, we are of the view that the interim order granted deserves to be confirmed releasing the petitioner on anticipatory bail.

In view of the above, we allow this special leave petition and direct that in the event of arrest, the petitioner shall be released on bail on furnishing suitable bail bonds and sureties and on such other terms and conditions as may be deemed fit by the Station House Officer of the concerned police station. We further direct that the petitioner shall join the investigation as and when required and co-operate in the same abiding all the conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

It is made clear here that violation, if any, by the petitioner, may give a cause to take recourse as permissible and the trial Court is at liberty to do the needful.

Accordingly, and in view of the foregoing, this special leave petition stands allowed. Pending application(s), if any, shall stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)