

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO.1038 OF 2022  
(Arising out of SLP (CrI.) No.3362 of 2022)

ARVIND SINGH KUSHWAH

Appellant

VERSUS

STATE OF MADHYA PRADESH

Respondent

O R D E R

Leave granted.

This appeal challenges the order dated 07.01.2022 passed by the High Court of Madhya Pradesh, Bench at Gwalior rejecting MCRC No.569 of 2022.

Apprehending arrest in connection with crime registered pursuant to First Information Report No.236 Dated 21.12.2020 lodged with Police Station Seondha, District Datiya, Madhya Pradesh, in respect of offences punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, the appellant preferred application seeking anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973. That application was rejected; consequently, this appeal has been preferred.

By order dated 25.04.2022, while issuing notice, this Court granted interim protection in favour of the appellant.

We have heard learned counsel for the appellant as well as learned counsel for the State.

It is argued amongst others that all other co-accused were granted bail. One co-accused (Ramji Singh Yadav) was granted bail by this Court in Criminal Appeal No.661 of 2022 by order dated 22.04.2022.

Considering the circumstances on record, in our view, the appellant is entitled to the relief claimed under Section 438 of the Code.

We, therefore, allow this appeal, set-aside the order passed by the High Court and direct that in the event of his arrest, the Arresting Officer shall release the appellant on bail subject to furnishing cash security in the sum of Rs.25,000/- (Rupees Twenty Five Thousands Only) with two like sureties.

It is directed that the appellant shall extend complete cooperation in the ensuing investigating and for the purposes of facilitating the investigation, he shall appear before the concerned Police Station for three days commencing from 01.08.2022 onwards between 11.00 a.m. to 3.00 p.m. In case any requisition is made thereafter by the Investigating Officer, the appellant shall extend full cooperation.

The appellant shall not misuse his liberty and shall not in any way influence the witnesses or tamper with the material on record.

With the aforesaid directions, the criminal appeal is allowed.

.....J.  
(S. RAVINDRA BHAT)

.....J.  
(SUDHANSHU DHULIA)

New Delhi  
July 25, 2022

ITEM NO.30

COURT NO.2

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 for Special Leave to Appeal (Cr1.) No.3362/2022

(Arising out of impugned final judgment and order dated 07-01-2022 in MCRC No.569/2022 passed by the High Court Of M.P At Gwalior)

ARVIND SINGH KUSHWAH

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(IA No.52735/2022 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No.52734/2022 - FOR EXEMPTION FROM FILING O.T.)

Date : 25-07-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Sidharth Sharma, Adv.  
Mr. Shashank Singh, AOR  
Ms. Ayushi Vyas, Adv.

For Respondent(s) Mr. Gopal Jha, AOR  
Mr. Nishant Verma, Adv.  
Mr. Shreyash Bhardwaj, Adv.

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

Leave granted.

The Criminal Appeal is allowed, in terms of the Signed Order placed on the file.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)  
AR-cum-PS

(VIRENDER SINGH)  
BRANCH OFFICER