

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1963 OF 2022
(@ SLP(CRL.) NO. 3667 OF 2022)

X

APPELLANT(S)

VERSUS

STATE, REP. BY INSPECTOR OF POLICE & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

In our opinion, the impugned order granting anticipatory bail cannot be sustained for the reason that it is non-speaking and does not refer to the averments and allegations made in the FIR.

We have heard learned counsel for the second respondent, who states that the appellant was a consenting party. Without expressing any final/conclusive finding on the said aspect, we observe that there are several allegations and facts stated in the FIR, with regard to the relationship between the appellant and the second respondent. We do not think that the present case on facts is such in which anticipatory bail should have been granted.

We have refrained from making further or detailed observations as it may cause prejudice. We clarify that if the second respondent surrenders and moves an application for regular bail, the same will

be considered and decided in accordance with law without being influenced by the present order.

Recording the aforesaid, we set aside the impugned order and allow the present appeal. The application for anticipatory bail would be treated as dismissed.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(J.K. MAHESHWARI)

NEW DELHI;
NOVEMBER 11, 2022.
ps

ITEM NO.32

COURT NO.8

SECTION II-C

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 (Crl.) No(s). 3667/2022

(Arising out of impugned final judgment and order dated 02-03-2022 in CRLOP No. 3397/2022 passed by the High Court Of Judicature At Madras)

X

PETITIONER(S)

VERSUS

STATE, REP. BY INSPECTOR OF POLICE & ANR.

RESPONDENT(S)

(FOR ADMISSION and I.R. and IA No.53215/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.53216/2022-EXEMPTION FROM FILING O.T. and IA No.53218/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.53219/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 11-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Mr. Deepak Prakash, AOR
Mr. Pawan Kr. Dabas, Adv.
Mr. Subhash Chaudhary, Adv.
Mr. Nachiketa Vajpayee, Adv.
Ms. Divyangna Malik, Adv.
Ms. Vishnu Priya, Adv.
Ms. Disha Gupta, Adv.
Mr. Vardaan Kapoor, Adv.
Mr. Shyam Nair, Adv.

For Respondent(s) Mr. V. Krishnamurthy, Sr. Adv./AAG
Dr. Joseph Aristotle S., AoR.
Ms. Nupur Sharma, Adv.
Mr. Shobhit Dwivedi, Adv.
Mr. Sanjeev Kr. Mahara, Adv.
Ms. Vaidehi Rastogi, Adv.
Ms. Richa Vishwakarma, Adv.

Mr. S. Nagamuthu, Sr. Adv.
Mr. M.P. Parthiban, AOR
Mr. A.S. Vairawan, Adv.
Mr. R. Sudhakaran, Adv.

Mr. G.R. Vikash, Adv.
Mr. D. Subrahmanya Bhanu, Adv.
Mr. Rohan Singh, Adv.
Mr. T. Hari Hara Sudhan, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file.)