

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO. 753 OF 2022
(Arising out of S.L.P.(CrI.) No. 2335 of 2022)

SURAJ MOTILAL GUPTA

.....Appellant(s)

Vs.

STATE OF MAHARASHTRA

.....Respondent(s)

O R D E R

Leave granted.

Mr. Sachin Patil, learned counsel appearing for the respondent-State submits on instructions that pursuant to the order dated 25.04.2022, the appellant indeed appeared before the Investigating Officer and supplied the necessary particulars/information as were required.

So far as the missing co-accused is concerned, even the appellant appears to be clueless of his whereabouts.

Taking the totality of the facts and circumstances into account, in our view, the custodial investigation of the appellant may not be requisite in this matter relating to the offences under Sections 420, 406 & 34 IPC and 3, 4, and 13 of the Maharashtra Ownership of Flats(Regulation of the Promotion, Construction, Sale, Management and Transfer) Act, 1963.

Accordingly, this appeal is allowed and, while setting aside the impugned order dated 13.10.2021 *qua* the present appellant, it is provided, in conformity with the terms of the pre-arrest bail to the other accused (*vide* paragraph 5 of the order dated 13.10.2021),

that in the event of arrest of the appellant in Crime No. 2342018 registered with CBD Belapur, Police Station, Navi Mumbai District Thane, he be released on bail on furnishing personal bail bond in the sum of Rs. 25,000/- with one surety in the like amount.



.....J.
(DINESH MAHESHWARI)

.....J.
(ANIRUDDHA BOSE)

New Delhi;
May 06, 2022.



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. 2335/2022

(Arising out of impugned final judgment and order dated 13-10-2021 in ABA No. 2034/2021 passed by the High Court of Judicature at Bombay)

SURAJ MOTILAL GUPTA

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA Respondent(s)
(IA No. 36139/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No. 36140/2022 - EXEMPTION FROM FILING O.T.)

Date : 06-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Ankit Borker, Adv.
Mr. Alok Singh, Adv.
Mr. Manindra Pandey, Adv.
Mr. Mayank Kumar, Adv.
Mr. Tanvir Z., Adv.
Ms. Vaishali Sharma, Adv.
Ms. Shruti Shivkumar, Adv.
Mr. Shashank Tripathi, Adv.
Mr. Syed Abdul Haseeb, AOR

For Respondent(s) Mr. Sachin Patil, AOR.
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shewtal Shepal, Adv.

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

Leave granted.

The appeal is allowed in terms of signed order.

(NEETA SAPRA)

COURT MASTER (SH)

(Signed order is placed on the file)

(RANJANA SHAILEY)

COURT MASTER (NSH)

