

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.431 OF 2020
(@ out of SLP (CrI.)2532/2020 [(Dy.) No. 11029/2020]

BALWAN @ BHUVNESH BHUSHAN

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

O R D E R

Leave granted.

On 8.5.2020, following order was passed by this Court:

"The petitioner has been in jail since 26.8.2013 in connection with Crime No.108/2012 for the offence punishable under Section 395 and 450 IPC.

Learned counsel for the petitioner invited our attention to the statement made in the FIR to the effect that if shown, the complainant and his wife would be able to identify the accused.

He further invited our attention to the memorandum pertaining to Test Identification Parade conducted by Naib Tehsildar, Naugaon, Distt. Chhatarpur (MP) which indicates that the complainant and his wife failed to identify the petitioner.

Issue notice, returnable on 1.6.2020. Dasti in addition.

Liberty to serve the learned Standing Counsel for the State of M.P."

The learned counsel appearing for the State accepted that the complainant and his wife had failed to identify the appellant in the Test Identification Parade.

He further submitted that as found by the Additional Sessions

Judge, Naugaon, Distt. Chhatarpur in his order dated 3.01.2014, certain valuables were recovered from the appellant.

Be that as it may, if the Identification Parade did not result in identification of the accused, in our considered view, he is entitled to be granted the benefit of bail. We order accordingly and direct that the appellant be released on bail subject to the satisfaction of the Trial Court.

The Learned counsel for the State further submitted that out of 40 witnesses, 28 witnesses have already been examined. The appellant shall cooperate in the conduct of trial and shall remain present on every single occasion when the trial is conducted nor shall he misuse the benefit of bail. Even absence on a single occasion will entail in cancellation of the benefit of bail granted by this order.

With these observations, this appeal is disposed of.

.....J.
(UDAY UMESH LALIT)

.....J.
(MOHAN M. SHANTANAGOUDAR)

.....J.
(VINEET SARAN)

New Delhi
June 1, 2020.

ITEM NO.18 Virtual Court 1 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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 11029/2020

BALWAN @ BHUVNESH BHUSHAN

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

Date : 01-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s)

Mr. Abhinav Shrivastava, AOR

For Respondent(s)

Mr. Sunny Choudhary, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications,if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(Signed order is placed on the file)