

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.792 OF 2020
(@ out of SLP (CrI.) No.4304/2020)

ATUL GOYAL

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

O R D E R

Leave granted

This appeal arises out of the final judgment and order dated 02.03.2020 passed by the High Court of Madhya Pradesh in MCRC No. 7696/2020.

While granting relief under Section 438 of the Code of Criminal Procedure in connection with Crime No.0215 of 2019 registered with Police Station, District Gwalior, M.P. for offences punishable under Section 420 IPC, the following conditions were imposed by the High Court:

- "1. The petitioner will comply with all the terms and conditions of the bond executed by him;
2. The petitioner will cooperate in the investigation/trial, as the case may be;
3. The petitioner will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so far as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The petitioner shall not commit an offence similar to the

offence of which he is accused;

5. The petitioner will not seek unnecessary adjournments during the trial;

6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

7. The petitioner shall mark his presence before the police station concerned firstly on 5th March, 2020 and thereafter once every week till conclusion of investigation. A copy of this order be sent to the trial Court concerned for compliance."

In so far as conditions 6 & 7 are concerned, the grievance now raised is that the appellant has been going to the concerned Police Station every week for the last 8 to 9 months and with the passage of time, the conditions may suitably be modified.

The record indicates that the investigation is yet to be concluded. Now, the insistence on presence every week may not be appropriate. We, therefore, modify conditions 6 & 7 to the following extent:

(a) The appellant shall mark his presence before the concerned Police Station on first Monday for the months of December, 2020 and January, 2021.

(b) If the investigation is still not complete, from the month of February, 2021 onwards, the appellant shall mark his presence on first Monday of every alternate month that is to say he shall remain present before the concerned Police Station once in two months.

(c) This arrangement shall continue till the investigation is not completed.

(d) After the investigation is complete, the matter in this regard shall be dealt with by the concerned Court and the appellant shall abide by the directions as may be issued by the concerned Court.

The aforesaid conditions 6 & 7 stand modified to the aforesaid extent.

This appeal is allowed accordingly.

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

.....J.
(VINEET SARAN)

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

New Delhi,
November 18, 2020.

