

ITEM NO.9 Court 6 (Video Conferencing) SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s).2709/2020

(Arising out of impugned final judgment and order dated 28-05-2020 in MCRC No. 10507/2020 passed by the High Court Of M.P At Gwalior)

VIVEK SHARMA

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

Respondent(s)

(Appln. for impleadment, application for exemption from filing original affidavit and With applns for exemption from filing O.T).

Date : 23-07-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Sushil Kr. Jain, Sr. Adv.
Mr. Puneet Jain, Adv.
Ms. Christi Jain, Adv.
Mr. Harsh Jain, Adv.
Mr. Harshit Khanduja, Adv.
Ms. Pratibha Jain, AOR

For Respondent(s) Ms. Swarupama Chaturvedi, Adv.
Mr. Gopal Jha, AOR
Ms. Vanshaja Shukla, AOR
Ms. Anuja Pethia, Adv.

Mr. R.K. Pathak, Adv.

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

The application for impleadment to implead the applicant viz. Ms. Preeti Sharma wife of the petitioner as party respondent is allowed.

The petitioner has approached this Court by

filing this Special Leave Petition against an order dated 28.5.2020 passed by the High Court rejecting his application for bail in connection with offences punishable under Sections 498-A, 377, 323 and 294 read with Section 34 of the Indian Penal Code.

The petitioner has been in custody since 4.2.2020. Investigation has been completed and the charge sheet has been filed.

The High Court refused to grant bail to the petitioner by looking into the letters written by the complainant to her parents in the year 2011 and taking note of the serious allegations made by her against the petitioner. The High Court granted liberty to the petitioner to renew his application for bail after the statement of the material witnesses is completed.

Ms. Vanshaja Shukla, learned counsel appearing for the wife who has been impleaded as a party respondent today has submitted that the bail should not be granted to the petitioner in view of the serious allegations made against him, at least till the evidence of the complainant and her daughter is completed. She also apprehends that the petitioner is likely to influence the witnesses, if he is released on bail. She further submitted that there are attempts made for reconciliation by the family members of the petitioner.

After considering the submissions made by the learned counsel for the parties, we are of the considered view that the petitioner is entitled to be released on bail. Consequently, the petitioner is directed to be released on bail subject to the satisfaction of the concerned trial court and also subject to the following conditions :

(1) The petitioner shall not make any attempt to influence the witnesses. In case, such an attempt is made, the complainant is at liberty to seek for cancellation of his bail;

(2) The petitioner shall also not make any attempt to approach the family members of the complainant;

(3) The petitioner shall not seek any adjournment of the matter during trial; and

(4) The petitioner shall be released on bail subject to deposit of bond of Rs.25,000/-.

The Special Leave Petition is disposed of.

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

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master