

ITEM NO.15

Virtual Court 3

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 13106/2020

(Arising out of impugned final judgment and order dated 17-06-2020
in BA No. 1074/2020 passed by the High Court Of Delhi At New Delhi)

RELIGARE FINVEST LTD.

Petitioner(s)

VERSUS

STATE NCT OF DELHI & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.56773/2020-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.56772/2020-PERMISSION TO
FILE PETITION (SLP/TP/WP/..))

IA No. 59076/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 56773/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENTIA No. 59075/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 56772/2020 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 17-07-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

Mr. Shekhar Naphade, Sr. Adv.
Mr. Nidhesh Gupta, Sr. Adv.
Mr. Sandeep Devashish Das, AOR

For Respondent(s)

Mr. Aman Lekhi, ASG
Mr. Manan Popli, Adv.
Mr. Rajeev Ranjan, Adv.
Mr. B.V. Balram Das, AOR

Mr. Siddharth Luthra, Sr. Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Neeraj Chaudhary, Adv.
Ms. Nattasha Garg, Adv.
Mr. Arav Pandit, Adv.
Mr. Yatin Savlani, Adv.
Ms. Rooh-e-hina Dua, AOR

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

Permission to file Special Leave Petition is granted.

Heard learned counsel for the parties.

Although, the petitioner may be justified in relying upon documents brought on record to indicate that the finding of fact noted by the High Court in the impugned judgment is incorrect or contrary to record even so, taking overall view of the matter, we decline to interfere with the order granting bail to respondent No.2.

At the same time, however, we agree with the submission made by the learned Additional Solicitor General for the State that, at least, two additional conditions be imposed on respondent No.2, in addition to the conditions specified in paragraph 39 of the impugned judgment of the High Court for grant of bail.

First, the respondent No.2 shall forthwith deposit his passport with the Investigating Officer and not later than one week from today.

The second aspect is to clarify that the finding recorded by the High Court on certain factual aspects shall not come in the way of the prosecution and the

Trial Court shall not be influenced by the same at the time of trial. The Trial Court shall, however, decide the matter on the basis of evidence brought on record by the concerned parties.

Further, the observations in the impugned order of bail are confined to respondent No.2 and cannot be used as precedent/parity for other accused. The cases of other accused (co-accused) be considered on its own merits.

The Special Leave Petition is disposed of accordingly.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)