

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.663 OF 2020  
(Arising out of SLP (Criminal) No.2937 of 2020)

BHASKAR MISHRA

Appellant

VERSUS

STATE OF MADHYA PRADESH & ANR.

Respondents

O R D E R

Leave granted.

This appeal challenges the order dated 09.06.2020 passed by the High Court of Madhya Pradesh, Bench at Indore in MCRC No.13953 of 2020.

In crime registered pursuant to FIR No.1156 dated 13.08.2010 lodged with Police Station MIG Colony, Indore for the offences punishable under Sections 326, 294 and 506 IPC, the appellant was arrested on 22.01.2020. His application for bail preferred under Section 439 of the Code of Criminal Procedure, 1973 having been dismissed by the High Court, the present appeal has been preferred.

One of the points which weighed with the High Court while rejecting the prayer was the fact that for almost 10 years, the appellant was absconding and was not available for any processes issued by the Court or authority in connection with the crime.

According to the record, the charge-sheet was filed way back in 2010 in respect of the offences punishable under Sections 326, 294, 506 and 307 IPC.

After his arrest on 22.01.2020, the police definitely had the advantage of custodial interrogation of the appellant.

Considering the facts on record, on 07.07.2020, this Court while issuing notice passed following order:

"Issue notice to the Respondent-State as well as to the original complainant, returnable on 7.9.2020.

Dasti in addition.

The complainant whose details are available at page 40 of the Paper Book, is impleaded to the present proceedings.

Pending further consideration, the petitioner shall be released on bail subject to the satisfaction of the concerned Trial Court. The Trial Court is at liberty to impose such conditions as it deems appropriate to ensure the presence and participation of the petitioner in the pending proceedings."

In terms of the aforesaid directions, the appellant has been released on interim bail, subject to the conditions imposed by the Trial Court.

We have heard Mr. Vikas Upadhyay, learned counsel in support of the petition and Ms. Swarupama Chaturvedi, learned AAG for the State.

In our considered view, the appellant is entitled to the benefit under Section 439 Cr.P.C.

We, therefore, allow this appeal and make the order dated 07.07.2020 granting interim protection to the appellant absolute. The appellant shall appear before the Trial Court within seven days from today and it is up to the Trial Court to consider imposing any additional condition, if any, as the Trial Court may deem appropriate.

With the aforesaid observations, the appeal is allowed

.....J.  
[UDAY UMESH LALIT]

.....J.  
[VINEET SARAN]

.....J.  
[S. RAVINDRA BHAT]

NEW DELHI;  
OCTOBER 08, 2020.

