

ITEM NO.16 Court 5 (Video Conferencing)

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

Petition(s) for Special Leave to Appeal (CrI.) No(s).3114/2020

(Arising out of impugned final judgment and order dated 24-06-2020 in MCRC No. 17281/2020 passed by the High Court Of M.P At Gwalior)

DURGESH TIWARI

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

(exemption from filing affidavit, exemption from filing c/c of the impugned judgment, exemption from filing o.t.and intervention application)

Date : 07-09-2020 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. Prashant Shukla, Adv.
Mr. Abhinav Ramkrishna, AOR

For Respondent(s) Mr. V.V.Pattabhiram, Adv.
Mr. Sayooj Mohandas, Adv.
Mr. Gopal Jha, AOR
Mr. Ravindra Sadanand Chingale, AOR

Dr. Ravindra Chingale, Adv.
Mr. Ashish Sharma, Adv.
Mr. Mitul Jain, Adv.

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

Aggrieved by the rejection of an application filed for bail, the petitioner has filed the above special leave petition. The petitioner is an accused in Crime No. 46 of 2020 registered under Sections 307, 498A, 506, 379 read with 34 IPC and Section 3/4 of the Dowry

Prohibition Act. Admittedly, the petitioner has been in custody since 17.1.2020 and a chargesheet has also been filed.

The learned counsel for the petitioner referred to the dying declaration in which it was stated that the petitioner was in the ground floor at the time of the incident. Further, he accompanied the victim to the hospital.

After hearing learned counsel for the petitioner and learned counsel for the State and the complainant, we are of the view that the petitioner is entitled for bail.

The petitioner is directed to be released on bail subject to the satisfaction of the trial court and with the following condition :

(1) He shall not make any attempt to tamper with the evidence or influence the witnesses.

In case, if the petitioner influences the witnesses, it is open to the Prosecution to seek cancellation of bail.

The special leave petition is disposed of accordingly.

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

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master