

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 594 OF 2020  
(@ out of SLP (CrI.) No. 3184/2020)

MAYANK SINGH @ SANGRAM SINGH

...Appellant

VERSUS

THE STATE OF MADHYA PRADESH

...Respondent

O R D E R

Leave granted.

This appeal challenges the final order dated 16.03.2020 passed by the High Court of Madhya Pradesh, Principal Seat at Jabalpur in MCRC No.5915/2019.

The appellant and five others are charged for offences punishable under Sections 302, 120-B, 109, 176, 212, 34 IPC read with Section 25 & 27 Arms Act and are facing prosecution in Sessions Trial No.161 of 2018.

Out of 65 witnesses cited by the prosecution to be examined in support of its case, only six witnesses have been examined so far.

Out of the six accused persons, three accused are already on bail and the appellant has been in custody since 28.03.2018.

Our attention was invited to the examination of PW-3 named Adarsh Singh. During the course of his examination, a CD was played in Court and the observations of the Court in para 34 of the deposition show that a person wearing dark colour shirt and red

Gamchha was the one who fired the shot.

We are not at this juncture considering the liability of the appellant in the crime in question. But, as accepted in the deposition, the appellant was certainly not the person who was wearing dark colour shirt and red Gamchha. We, therefore, consider it appropriate to extend the relief under Section 439 Cr.P.C. to the appellant. We order accordingly.

The appellant shall be produced before the Trial Court within three days. Subject to such conditions which the Trial Court may deem appropriate, including the condition that the appellant shall present himself and participate in the proceedings on every given date in the Sessions Trial, he shall be released on bail. Any violation of the terms and conditions of bail shall entail in cancellation of bail.

We shall not be taken to have reflected on the merits of the matter and the matter shall be gone into on individual merits at every juncture.

The appeal is allowed in aforesaid terms.

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

.....J.  
(VINEET SARAN)

.....J.  
(AJAY RASTOGI)

New Delhi,  
September 14, 2020.

