

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal No 863 of 2020
(Arising out of SLP (Crl) No 3206 of 2020)

Deepak Sen

Appellant(s)

Versus

State of Madhya Pradesh and Another

Respondent(s)

ORDER

- 1 Leave granted.
- 2 The appellant has been denied bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with a first information report, being FIR No 82/2019 lodged at Police Station Mahila Thana, District Jabalpur for alleged offences under Sections 376(2)(n), 506 and 507 of the Indian Penal Code. The appellant is in custody since 2 March 2020. The final report has been submitted under Section 173 CrPC.
- 3 Mr Akshat Shrivastava, learned counsel appearing on behalf of the appellant submits that the contents of the FIR would indicate that there was a consensual relationship between the complainant and the appellant between November 2015 and June 2019. The spouse of the complainant is alleged to have died and she has an eleven year old son. It has been submitted that the allegations of assault are belied by the absence of any medical report in regard to the alleged injuries. Hence, it has been submitted that the appellant should be enlarged on bail since his continued custody is not warranted.
- 4 Notice was issued by this Court on 10 August 2020. Mr Mayank Kshirsagar, learned counsel has appeared on behalf of respondent No 1 - the State of Madhya Pradesh to oppose the grant of bail. Learned Counsel adverted to the

contents of the FIR and submitted that particularly in the context of an allegation of assault and the apprehension of danger to her safety of the complainant, bail may not be granted.

- 5 Responding to the above submission, Mr Akshat Shrivastava, learned counsel appearing on behalf of the appellant submitted that the appellant has no criminal antecedents; he was employed at HDFC Bank; as a result of the FIR, he has been terminated; and there is no basis for the apprehension which has been expressed.
- 6 The original complainant has been served in August 2020, as the Office Report indicates.
- 7 Having regard to the facts and circumstances, we are of the view that the continued custody of the appellant is not warranted. He has been in custody since 2 March 2020. The charge-sheet has been filed. In the circumstance, we order and direct that the appellant shall be released on bail, subject to such terms and conditions as may be imposed by the Sessions Court, Jabalpur in connection with FIR No 82/2019 lodged at Police Station Mahila Thana, Jabalpur.
- 8 The appeal is accordingly disposed of.
- 9 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indu Malhotra]

.....J.
[Indira Banerjee]

New Delhi;
December 15, 2020
CKB

ITEM NO.34 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
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 (Crl.) No.3206/2020

(Arising out of impugned final judgment and order dated 18-06-2020 in MCRC No.11477/2020 passed by the High Court of M.P. Principal Seat at Jabalpur)

DEEPAK SEN

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

Respondent(s)

(With appln.(s) for IA No. 64050/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 64047/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 81639/2020 - EXEMPTION FROM FILING O.T., IA No. 64044/2020 - EXEMPTION FROM FILING O.T. and IA No. 76517/2020 - INTERVENTION/IMPLEADMENT)

Date : 15-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s)

Mr. Akshat Shrivastava, AOR

For Respondent(s)

Mr. Mayank Kshirsagar, Adv.
Mr. Arjun Garg, AOR
Ms. Shrutika Garg, Adv.

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

1 Leave granted.

- 2 The appeal is disposed of in terms of the signed order.
- 3 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master

(Signed order is placed on the file)