

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.595 OF 2020
(@ out of SLP (CrI.) No. 3485/2020

SHOSHILA DEVI

...Appellant

VERSUS

THE STATE OF BIHAR

...Respondent

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 24-06-2020 passed by the High Court Of Judicature at Patna rejecting the prayer for relief in terms of Section 438 of the Criminal Procedure Code ("the Code", for short).

The appellant is named as an accused in Crime registered pursuant to FIR lodged with Srinagar (West Champaran) P.S. Case No.45 of 2019 under Section 304-B, 201/34 IPC.

The order presently under challenge rejected the relief prayed for under Section 438 of the Code by two accused named Vinay Patel and the appellant. Insofar as Vinay Patel is concerned, the petition for special leave was rejected by Order dated 07.08.2020.

We have been given to understand that Vinay Patel has already surrendered and is available for interrogation.

While issuing notice, interim relief was granted in favour of the appellant and by subsequent order dated 25.08.2020 the appellant was directed to appear before the Investigating Officer

at 11 O'clock on 27.08.2020 and continue to appear on such dates as the Investigating Officer deemed appropriate. We have also been given to understand that the directions issued by this Court have been complied with.

Heard learned counsel for the parties.

In our view, considering the facts and circumstances on record, the appellant is entitled to the relief under Section 438 of the Code.

We, therefore, direct that in case the appellant is arrested in connection with the aforesaid Case No.45/2019, the arresting officer shall release her on bail subject to her furnishing cash security in the sum of Rs.25,000/- with two like sureties.

This order shall enure to the advantage of the appellant during the course of investigation. In case any charge-sheet is filed, the matter shall thereafter be considered by the concerned Trial Court purely on merits.

The appeal is allowed accordingly.

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

.....J.
(VINEET SARAN)

.....J.
(AJAY RASTOGI)

New Delhi,
September 14, 2020.

