

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 638 OF 2020
(Arising out of SLP (Crl) No. 3499 of 2020)

NAVITA SAXENA
Petitioner(s)

...

VERSUS

THE STATE OF MADHYA PRADESH
Respondent(s)

...

ORDER

- 1 Leave granted.
- 2 The appellant has been denied anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 by an order dated 14 July 2020 passed by a Single Judge of the High Court of Madhya Pradesh.
- 3 Notice was issued by this Court on 10 August 2020 and an interim stay of arrest was granted.
- 4 In pursuance of the notice, the State of Madhya Pradesh appeared through Ms. Ankita Chaudhary, Deputy Advocate General.
- 5 The appellant has been implicated for alleged offences under Sections 294, 406, 420 and 506 read with Section 120-B of the Indian Penal Code. The genesis of the FIR is that a property transaction took place allegedly with the spouse of the appellant where an amount of Rs.59.50 lacs is alleged to have been paid to him for sale of certain flats. The transaction took place on 01 December 2016. The complainant has filed a suit for declaration and injunction in December 2019 against the spouse of the appellant. The FIR, in the present case, was lodged on 10 February 2020. The appellant is a teacher in a Government school.

6 Ms. Ankita Chaudhary, learned Deputy Advocate General submits that the appellant has witnessed the transactions with her spouse and hence custodial interrogation is required.

7 Having regard to all the facts and circumstances, we are of the view that the interim order of this Court should be confirmed and that the appellant should be granted the benefit of the provisions of Section 438 of the Code of Criminal Procedure, 1973. We, however, direct that the appellant shall cooperate with the investigation and attend to the concerned police station as and when called upon by the Investigating Officer for the purpose of investigation. Conditional on the above, we direct that in the event of the arrest of the appellant, she shall be released on bail subject to such terms and conditions as may be imposed by the Trial Court in connection with FIR/Crime No. 0094 dated 10 February 2020 lodged at Police Station Pandav, Gwalior, Madhya Pradesh.

8 The appeal is allowed in the above terms.

.....J.
(Dr Dhananjaya Y Chandrachud)

.....J.
(Indira Banerjee)

New Delhi;
September 29, 2020

ITEM NO.8 Court 3 (Video Conferencing) SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s). 3499/2020

(Arising out of impugned final judgment and order dated 14-07-2020
in MCRC No. 16789/2020 passed by the High Court Of M.p At Gwalior)

NAVITA SAXENA Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH Respondent(s)

Date : 29-09-2020 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Surendra Kumar Gangele, Adv.
Ms. Ritu Gangele, Adv.
Ms. Swagoti Batchas, Adv.
Mr. SPM Tripathi, Adv.
Mr. Prithvijoy Das, Adv.
Mr. Satish Kumar, AOR

For Respondent(s) Ms. Ankita Chaudhary, Dy.AG
Mr. Gopal Jha, AOR

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

- 1 Leave granted.
- 2 Having regard to all the facts and circumstances, we are of the view that the interim order of this Court should be confirmed and that the appellant should be granted the benefit of the provisions of Section 438 of the Code of Criminal Procedure, 1973. We, however, direct that the appellant shall cooperate with the investigation and attend to the concerned police station as and when called upon by the Investigating Officer for the purpose of investigation. Conditional on the above, we direct that in the event of the arrest of the appellant, she shall be released on bail subject to such terms and conditions as may be imposed by the

Trial Court in connection with FIR/Crime No. 0094 dated 10 February 2020 lodged at Police Station Pandav, Gwalior, Madhya Pradesh.

- 3 The appeal is allowed in the terms of the signed order.
4. Pending application(s), if any, stands disposed of accordingly.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)