

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 639 OF 2020
(Arising out of SLP (Crl) No. 3735 of 2020)

SHRIMATI RANJEETA
Petitioner(s)

...

VERSUS

THE STATE OF MADHYA PRADESH
Respondent(s)

...

ORDER

- 1 Leave granted.
- 2 A Single Judge of the High Court of Madhya Pradesh by an order dated 10 July 2020 declined to grant bail to the appellant under Section 439 of the Code of Criminal Procedure, 1973. The appellant was arrested in connection with Crime No.654 of 2019 registered at Police Station Kailaras, District Morena in relation to an alleged offence under Section 306 of the Indian Penal Code.
- 3 The spouse of the appellant died on 16 July 2019. The death is alleged to have occurred as a result of consumption of a poisonous substance. An FIR was lodged after a lapse of nearly five months on 10 December 2019. The appellant was arrested on the same day and has been in custody since then. A charge-sheet was filed after investigation was completed. Charges have been framed on 31 January 2020.
- 4 Mr. Amit Lahoti, learned counsel appearing on behalf of the appellant with Mr. Prashant Shukla submits that :-
 - (i) The appellant who is about 20 years of age has been in custody for over

nine months;

- (ii) The FIR was lodged after a lapse of nearly five months from the date on which the deceased committed suicide;
 - (iii) In the FIR, there is no reference to the administration of poison by the appellant and it was only in the statements under Section 161 which were recorded after five months that such an allegation finds place;
 - (iv) Having regard to the prevailing situation which has arisen due to the outbreak of COVID-19, there is no reason or justification to deny bail, particularly after the investigation has been completed and charges have been framed.
- 5 Notice was issued by this Court on 7 September 2020. Pursuant thereto, Mr. Gopal Jha, Standing Counsel has entered appearance on behalf of the State of Madhya Pradesh and has filed a counter affidavit of the Additional Superintendent of Police. The counter affidavit has, inter alia, relied upon the statements which have been recorded under Section 161 of the Code of Criminal Procedure.
- 6 Mr. Gopal Jha submitted that :-

- (i) The statements under Section 161 indicate that the deceased was administered poison;
- (ii) Charges have been framed;
- (iii) A young farmer who was married to the appellant has lost his life;

Hence, he has submitted that at this stage, it would not be appropriate to grant bail to the appellant.

- 7 We are of the considered view, having appreciated the rival submissions, that the continued custody of the appellant is not warranted. Since the trial is pending, we are, at this stage, not indicating even a *prima facie* view on the basis of the rival submissions so as not to prejudice the outcome of the trial. However, we are of the considered view that having regard to the facts and circumstances of the case, particularly having regard to the age of the appellant and in the absence of a likelihood that she would tamper with the prosecution witnesses (who are from the family of the deceased spouse of the appellant) that she should be enlarged on bail.
- 8 We, accordingly, direct that the appellant shall be released on bail subject to such terms and conditions as may be imposed by the Second Additional Sessions Judge, Sabalgarh, District Morena, Madhya Pradesh in connection with Crime No. 654 of 2019, Sessions Trial No. 21 of 2020.
- 9 The appeal is allowed in the above terms.

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

.....J.
(Indira Banerjee)

New Delhi;
September 29, 2020

ITEM NO.9 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). 3735/2020

(Arising out of impugned final judgment and order dated 10-07-2020 in MCRC No. 14876/2020 passed by the High Court Of M.p At Gwalior)

SHRIMATI RANJEETA

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

(IA No. 77438/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 77440/2020 - EXEMPTION FROM FILING O.T.)

Date : 29-09-2020 These matters were called on for hearing today.

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

For Petitioner(s) Mr. Amit Lahoti, Adv.
Mr. Prashant Shukla, Adv.
Mr. Abhinav Ramkrishna, AOR

For Respondent(s) Mr. Gopal Jha, AOR

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

- 1 Leave granted.
- 2 We, accordingly, direct that the appellant shall be released on bail subject to such terms and conditions as may be imposed by the Second Additional Sessions Judge, Sabalgarh, District Morena, Madhya Pradesh in connection with Crime No. 654 of 2019, Sessions Trial No. 21 of 2020.
- 3 The appeal is allowed in terms of the signed order.
4. Pending applications, if any, stand disposed of accordingly.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)