

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 815 OF 2020
(Arising out of Special Leave Petition (CrI.)No 4345/2020)

HARIHAR PRASAD JAISWAL

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH & ANR.

Respondent(s)

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 25-08-2020 passed by the High Court Of Madhya Pradesh Principal Seat At Jabalpur in MCRC No. 26142/2020.

Apprehending arrest in connection with FIR No.0212 of 13.07.2020 registered with Ram Nagar Police Station, District Satna in respect of offences punishable under Sections 498-A, 306 read with 34 IPC and Sections 3 & 4 of Dowry Prohibition Act, the aforestated application was preferred by the appellant in the High Court seeking protection under Section 438 of the Code of Criminal Procedure ("The Code" for short).

The appellant is the elder brother of the husband of the deceased and as the record states, all three children of the deceased are presently with the appellant, who has been

extending care and affection to the children.

On 18.09.2020, this Court issued notice to the original complainant and the State and granted interim protection against arrest.

Since then, affidavits in reply have been placed on record by the original complainant and the State,

We heard Mr. Rajul Shrivastava, learned Advocate for the appellant, Mr. D.S. Parmar, learned AAG for the State and Mr. Rajeev L. Mahunta, learned Advocate for the original complainant.

Having considered the facts and circumstances on record and the rival submissions, in our view, case is made out for protection under Section 438 of the Code.

We, therefore, make the order dated 18.09.2020 absolute and direct that in case the appellant is arrested in connection with the aforesaid FIR, the arresting officer shall release him on bail on furnishing cash security in the sum of Rs.25,000/- with two like sureties. This protection shall be available till the filing of the charge-sheet whereafter, the concerned Court shall pass appropriate directions.

Needless to say that the appellant shall render complete cooperation in the ensuing investigation and shall not in any way cause obstruction or hindrance in the progress of

investigation.

With the aforesaid observations, the appeal is allowed.

.....J.
[Uday Umesh Lalit]

.....J.
[Vineet Saran]

.....J.
[S. Ravindra Bhat]

New Delhi;
26th November, 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).4345/2020

(Arising out of impugned final judgment and order dated 25-08-2020 in MCRC No. 26142/2020 passed by the High Court Of M.p Principal Seat At Jabalpur)

HARIHAR PRASAD JAISWAL

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.91029/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.91030/2020-EXEMPTION FROM FILING O.T.)

Date : 26-11-2020 These matters were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Rajul Shrivastava, Adv.
Ms. Charu Ambwani, AOR

For Respondent(s) Mr. Rajeev L.Mahunta, Adv.
Mr. David A, Adv.
Mr. K.C. Jha, Adv.
Ms. Rajkumari Banju, AOR

Mr. D.S. Parmar, AAG
Mr. Arjun Garg, AOR
Ms. Shrutika Garg, Adv.
Mr. Mrinal Gopal Elkar, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)