

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPEAL NO.1227 OF 2021**  
**(ARISING OUT OF SPECIAL LEAVE TO APPEAL (CRIMINAL) NO.1423 OF 2021)**

**ASHISH PREMCHAND SHUKLA & ORS.**

**APPELLANT(S)**

**VERSUS**

**THE STATE OF MAHARASHTRA**

**RESPONDENT(S)**

**O R D E R**

Leave granted.

The appellants sought bail under Section 438 of the Code of Criminal Procedure, 1973. By the impugned order, the High Court has rejected the said application. This Court had granted an interim order dated 19.02.2021 that there shall be no coercive steps against the appellants until SLP (Cr1.) No. 5120 of 2020 is disposed of. Thereafter, this Court had passed the following order on 21.09.2021 which read as under:-

“After hearing the learned counsel for the parties, we are of the view that following order should be passed:-

The petitioners in SLP (Cr1.) No.1423/2021 will present themselves before the Station House Officer, Police Station at Santacruz, Mumbai, Maharashtra from 01.10.2021 between 10:00 a.m. to till 1:00 p.m. on every day except Sunday for a period of 10(ten) days.

We make it clear that interim order passed by this Court will continue.

List these matters on 18.10.2021 as a first case in the cause list."

Today, when the matter came up, we heard the learned counsel for the parties. Mr. Sachin Patil, learned counsel for the State of Maharashtra does not dispute that in terms of order dated 28.09.2021 the petitioners in SLP (Cr1.) No. 1423 of 2021 did present themselves and cooperated in the investigation.

In such circumstances, we are of the view that the appeal should be disposed of by making the interim order absolute. Accordingly, the appeal is allowed. The impugned order is set aside and we make the interim order dated 19.02.2021 absolute. We make it absolutely clear that the protection we have afforded is subject to the appellants continuing to cooperate fully in the investigation.

Mr. Sachin Patil, learned counsel for the State of Maharashtra and Ms. Bansuri Swaraj learned counsel for the complainant respectively brought to our notice that the appellants may be directed to ensure that articles of Stridhan must be returned to the complainant. The learned counsel for the appellant would submit that the articles of Stridhan have already been sent by courier with intimation to the Investigation Officer. We make it clear that all the articles of Stridhan belonging to the complainant with the appellants shall be returned by the appellants to the complainant.

Pending application(s), if any, shall stand disposed of.

.....J.  
[K.M. JOSEPH]

.....J.  
[PAMIDIGHANTAM SRI NARASIMHA]

New Delhi  
20<sup>th</sup> October, 2021

ITEM NO.1 Court 10 (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). 5120/2020

(Arising out of impugned final judgment and order dated 13-08-2020 in CRLWP-ASDB-LD-VC No. 131/2020 passed by the High Court Of Judicature At Bombay)

ASHISH PREMCHAND SHUKLA & ORS. Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR. Respondent(s)

([TO BE TAKEN UP AS FIRST CASE])

IA No. 107156/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 107157/2020 - EXEMPTION FROM FILING O.T.

IA No. 107158/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(CrI) No. 1423/2021 (II-A)

Date : 20-10-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Sandeep Sudhakar Deshmukh, AOR

For Respondent(s) Mr. Sachin Patil, AOR  
Mr. Rahul Chitnis, Adv.  
Mr. Aaditya A. Pande, Adv.  
Mr. Geo Joseph, Adv.

Ms. Bansuri Swaraj, Adv.  
Mr. Siddhesh Kotwal, Adv.  
Ms. Ana Upadhyay, Adv.  
Ms. Manya Hasija, Adv.  
Ms. Pragya Barsaiyan, Adv.  
Mr. Akash Singh, Adv.  
Mr. Nirnimesh Dube, AOR

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

Special Leave to Appeal (Cr1.) No. 5120/2020

This Special Leave Petition is filed against the impugned judgment and order of the High Court dated 13.08.2021 rejecting the application under Section 482 of the Code of Criminal Procedure, 1973. The petition in turn was directed against the FIR which is lodged against the petitioners.

Having heard the learned counsel for the petitioners, State and the complainant, we are of the view that we need not interfere with the impugned order.

We, however, make it clear that should the FIR culminate in a charge sheet being filed, it will be open to the petitioners to pursue remedies as are available to them in law. Subject to the same, the Special Leave Petition is dismissed.

Pending application(s), if any, stand disposed of.

Special Leave to Appeal (Cr1.) No. 1423/2021

Leave granted.

The appeal is allowed, in terms of the signed order.

Pending application(s), if any, stand disposed of.

(JAGDISH KUMAR)  
COURT MASTER (SH)

(RENU KAPOOR)  
BRANCH OFFICER

(Signed order in Criminal Appeal No.1227 of 2021 arising from Special Leave to Appeal (Cr1.) No.1423/2021 is placed on the file)