

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal No 589 of 2020
(Arising out of SLP (Crl) No 9190 of 2019)

Papai Ghosh

Appellant(s)

Versus

State of NCT of Delhi

Respondent(s)

ORDER

- 1 Leave granted.
- 2 The appellant has been named as an accused in connection with FIR No 145/2019 registered on 22 May 2019 under Section 376 of the Penal Code at Pahar Ganj Police Station. The submission of the learned counsel appearing on behalf of the appellant is that the relationship between the appellant and the complainant was of a consensual nature, both being adults.
- 3 While issuing notice on 18 October 2019, this Court had granted an interim stay of arrest. In pursuance of the notice issued by this Court, the respondent State has filed an affidavit of the Deputy Commissioner of Police, Central District, New Delhi.
- 4 Mr S V Raju, learned Additional Solicitor General appearing for the respondent State submitted that the record indicates that on two occasions, the second occasion being 3 March 2019, the appellant and the complainant stayed together at a hotel, but it was shortly thereafter that on 8 March 2019, that he got married.

- 5 The High Court has observed in its order dated 17 September 2019 that in terms of the proceedings dated 3 July 2019, a status report was submitted by the State to the effect that the appellant had joined in the investigation. The charge-sheet has been filed on 15 November 2019. Hence, the custodial interrogation of the appellant is not necessary.
- 6 In the circumstances, we are of the view that the appellant should be granted the benefit of anticipatory bail under Section 438 of the Code of Criminal Procedure 1973. We accordingly direct that in the event of the appellant applying for regular bail before the trial court in connection with FIR No 145/2019, he shall be released on bail, subject to such terms and conditions as may be imposed by the trial court. Until then, the interim protection against arrest shall continue to operate.
- 7 The appeal is accordingly disposed of.
- 8 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indu Malhotra]

.....J.
[K M Joseph]

New Delhi;
September 11, 2020
CKB

ITEM NO.25

Court 3 (Video Conferencing)

SECTION II-C

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 (Crl.) No.9190/2019

(Arising out of impugned final judgment and order dated 17-09-2019 in BA No. 1596/2019 passed by the High Court of Delhi at New Delhi)

PAPAI GHOSH

Petitioner(s)

VERSUS

STATE OF NCT OF DELHI

Respondent(s)

(With appln.(s) for exemption from filing c/c of the impugned judgment)

Date : 11-09-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)

Mr. Amlan Kumar Ghosh, AOR

For Respondent(s)

Mr. S V Raju, ASG
Mr. B. V. Balaram Das, AOR
Mr. Rajan Kumar Chourasia, Adv.
Mr. Sanjay Kumar Tyagi, Adv.

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

- 1 Leave granted.
- 2 The appeal is disposed of in terms of the signed order.
- 3 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)