

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No.133 OF 2020
(Arising out of SLP(CrI.)No.9561/2019)

PARVATHI

... APPELLANT

Versus

RAGHAVENDRA KANCHANA @ BARIKERI RAGHU & ANR

... RESPONDENTS

O R D E R

Heard learned counsel for the parties.

Leave granted.

The Respondent No.1 has been granted bail in Crime No.15/2019 under Sections 120B, 143, 147, 148, 447, 341, 504, 323, 324, 506, 302 read with 149 IPC.

In the facts and circumstances of the case projected before us and the material available, we are of the view that the High Court ought to have considered the role of conspiracy attributed to respondent No.1. Without examining the same, the High Court has granted bail to respondent No.1 by simply observing that the question as to the involvement and role of respondent No.1 is a matter for trial. The High Court has failed to consider the imputations made against respondent No.1. It was not the case of the prosecution that respondent No.1 was present on the spot. There was material available which has not been taken into consideration by the High Court. The High Court has granted bail to respondent No.1 in a very cursory manner. In our considered view, it was not a case

in which bail could have been granted by the High Court. When we consider the antecedents of respondent No.1, there were 8 cases(criminal) registered against him though in seven of those cases, he has been acquitted. Respondent No.1 is also stated to be a rowdy-sheeter. Be that as it may, in the facts and circumstances of the case, we find no case was made out to grant bail.

Consequently, we set aside the impugned order passed by the High Court. As a result, the bail granted to respondent No.1 by the High Court stands cancelled.

The concerned police authorities are directed to arrest respondent No.1/accused.

The appeal stands disposed of accordingly.

.....J.
(ARUN MISHRA)

.....J.
(INDIRA BANERJEE)

NEW DELHI;
JANUARY 20, 2020.

ITEM NO.46

COURT NO.3

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).9561/2019

(Arising out of impugned final judgment and order dated 16-07-2019 in CRLP No.2627/2019 passed by the High Court of Karnataka at Bengaluru)

PARVATHI

Petitioner(s)

VERSUS

RAGHAVENDRA KANCHANA @ BARIKERI RAGHU & ANR.

Respondent(s)

Date : 20-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. H. Chandra Sekhar, AOR
Mrs. Rekha Chandra Sekhar, Adv.
Mr. Karri Venkata Reddy, Adv.

For Respondent(s) Mr. Shadan Farasat, AOR
Ms. Shruti Narayan, Adv.
Ms. Jahanvi Sindhu, Adv.

Mr. Shubhranshu Padhi, AOR
Mr. Ashish Yadav, Adv.
Mr. Rakshit Jain, Adv.

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

Leave granted.

We set aside the impugned order passed by the High Court. As a result, the bail granted to respondent No.1 by the High Court stands cancelled.

The concerned police authorities are directed to arrest respondent No.1/accused.

The appeal stands disposed of accordingly.

(SATISH KUMAR YADAV)
AR-CUM-PS

(JAGDISH CHANDER)
BRANCH OFFICER

(Signed order is placed on the file)