

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1865 2019
(Arising out of SLP (CrI) No.9828 OF 2019)

RAJU AATHINARAYAN NADAR

... Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH

... Respondent(s)

O R D E R

Leave granted.

This appeal arises out of final judgment and order dated 01.10.2019 passed by the High Court of Madhya Pradesh at Indore dismissing Miscellaneous Criminal Case No.38556 of 2019.

In the present case, the appellant stands charged for offences punishable under Sections 363, 367 and 120-B of the Indian Penal Code (IPC), Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and in the alternative for the offences punishable under Section 363/34 and 367/34 IPC. The charges have been framed. The appellant was taken in custody on 14.11.2018 and has been in custody since then. While issuing notice, the submissions made by the learned counsel for the appellant were noted as under :-

"Mr. Raval thus submitted that in respect of an offence of trafficking of children, no substance was found in the allegations levelled by the prosecution and the petitioner was discharged. Thereafter, the trial is being conducted and out of 65 witnesses to be examined on behalf of the

prosecution, as of now 5 witnesses have already been examined.

Mr. Raval further submits that out of 14 children involved in the matter, as per the observation made by the High Court, all the children were found to be in the custody of adopting parents at the stage of investigation and no physical harm was caused to any of the children.

He further submits that after the investigation was over, 2 out of 14 children have already been handed over to the adopting parents."

The learned counsel appearing for the respondent-State could not substantially controvert the submissions made by the learned counsel for the appellant.

In the circumstances, in our view, the appellant is entitled to the benefit of bail and we direct the release of the appellant on bail subject to the satisfaction of the learned Trial Court. The Trial Court is at liberty to impose such conditions which would ensure the presence and participation of the appellant in the trial as well as the fair progress and conduct of the trial.

The order be given dasti.

....., J.
(Uday Umesh Lalit)

....., J.
(Vineet Saran)

New Delhi;
December 09, 2019.

ITEM NO.15

COURT NO.6

SECTION II-A

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). 9828/2019

(Arising out of impugned final judgment and order dated 01-10-2019
in MCRC No. 38556/2019 passed by the High Court Of M.p At Indore)

RAJU AATHINARAYAN NADAR

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

(IA No. 164215/2019 - EXEMPTION FROM FILING O.T.)

Date : 09-12-2019 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. Harin Raval, Sr. Adv.
Mr. A.Y. Nair, Adv.
Mr. Kabir Hathi, Adv.
Ms. Jesal Wahi, AOR
Mr. C.J. Gogda, Adv.
Ms. Bansi Karia, Adv.

For Respondent(s) Mr. Harsh Parashar, AOR
Ms. Tanvi Bhatnagar, Adv.
Mr. Chanakya Sharma, Adv.

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

Leave granted.

The appeal stands disposed of in terms of the signed order.

(GULSHAN KUMAR ARORA)
COURT MASTER

(SUMAN JAIN)
COURT MASTER

(Signed order is placed on the file)