

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.663 OF 2017
(Arising out of S.L.P.(Crl.) No.440 of 2017)

Md. Sardul

Appellant(s)

Versus

Bishnu Kumar Budhia and Another

Respondent(s)

O R D E R

Leave granted.

The present appeal, by special leave, assails the order dated 28th September, 2016, whereby the High Court in exercise of power under Section 439(2) read with Section 482 Cr.P.C., has cancelled the bail order dated 24th June, 2016, granted to the present appellant in B.A. No.996 of 2016.

On a perusal of the aforesaid impugned order, we find that the High Court has taken exception to the fact that one writ petition that was filed by the appellant was not disclosed.

We have heard Mr. Rana Mukherjee, learned senior counsel for the appellant and Mr. Kaushik Poddar, learned counsel for the informant.

In our considered opinion, the grounds on which the bail has been cancelled are really not justified. The

allegations against the appellant are forging of revenue records and subsequent thereof for execution of sale deed in favour of the third party. There is no dispute over the fact that a civil suit is pending between the parties. In such circumstances, there was no warrant to cancel the order granting bail on the mere ground of non-disclosure that a writ petition was filed before the High Court. Be it noted, the filing of the writ petition and reasons for grant of bail are quite different.

In view of the aforesaid, we allow the appeal and set aside the order cancelling the grant of bail and further direct the learned trial Judge that he shall dispose of the criminal case as expeditiously as possible. The conditions imposed by the High Court at the time of grant of bail shall be religiously adhered to by the appellant.

.....J.
(Dipak Misra)

.....J.
[A.M Khanwilkar]

New Delhi
April 05, 2017.

ITEM NO.8

COURT NO.2

SECTION IIA

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 (Crl.) No.440/2017

(Arising out of impugned final judgment and order dated 28/09/2016 in CRMP No. 1571/2016 passed by the High Court of Jharkhand at Ranchi)

MD. SARDUL

Petitioner(s)

VERSUS

BISHNU KUMAR BUDHIA AND ANR.

Respondent(s)

(With appln. (s) for permission to file additional documents and interim relief and office report)

Date : 05/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Rana Mukherjee, Sr. Adv.
Mr. Siddhartha, Adv.
Ms. Pooja Dhar, AOR

For Respondent(s)

Mr. Chandra Bhushan Prasad, AOR
Mr. Kaushik Poddar, AOR

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.

(Chetan Kumar)
Court Master

(Madhu Narula)
Court Master

(Signed order is placed on the file)