

ITEM NO.31

COURT NO.7

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 (Crl.) No(s).10179/2017

(Arising out of impugned final judgment and order dated 21-09-2017 in CRLWP No.3582/2017 passed by the High Court Of Judicature At Bombay)

MANOJ SURESH JADHAV &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(FOR ADMISSION and I.R. and and IA No.139790/2017-EXEMPTION FROM FILING O.T. )

Date : 07-05-2018 The matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. K. V. Muthu Kumar, AOR  
Mr. Amith J., Adv.

For Respondent(s) Mr. Nishant R. Katneshwarkar, AOR  
Mr. Arpit Rai, Adv.  
Ms. Suvema D., Adv.

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

By order dated 02.06.2016, the petitioners were granted bail for offence punishable under section 509 read with section 34 of the Indian Penal Code (for short, the 'IPC') by the learned Additional Sessions Judge, Pune.

During the course of investigation, the police added another offence under section 376 of the Indian Penal Code in the FIR against the petitioners and re-arrested them. Being aggrieved, the petitioners filed writ petition before the High Court which was dismissed. Hence, the special leave petition.

We have heard learned counsel appearing for the parties and perused the record.

It is not permissible for the respondent-State to simply re-arrest the petitioners by ignoring order dated 02.06.2016 passed by the learned Additional Sessions Judge, Pune, which was in force at that time.

We direct that the petitioners shall be released on bail on the same condition/s as imposed in the aforesaid order dated 02.06.2016 by the learned Sessions Judge, Pune.

Having regard to the provision of Section 439(2) of the Code of Criminal Procedure, the respondent-State is at liberty to apply for cancellation of bail and seek the custody of the petitioners-accused.

With the aforesaid directions, the special leave petition is disposed of.

(SANJAY KUMAR-II)  
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)  
ASST.REGISTRAR