

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). 1571/2020

(Arising out of impugned final judgment and order dated 27-01-2020 in CRLA No. 884/2019 passed by the High Court Of Gujarat At Ahmedabad)

SAGAR KHODABHAI KOLI

Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ANR.

Respondent(s)

(FOR I.R. and IA No.31205/2020-EXEMPTION FROM FILING O.T. and IA No. 33513/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 01-12-2020 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Nikhil Goel, AOR

For Respondent(s) Mr. Aniruddha P. Mayee, AOR
Ms. Aastha Mehta, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard learned counsel for the petitioner as well as learned counsel for the State.

This special leave petition has been filed against order dated 27.01.2020 passed by the High Court, by which the bail granted earlier on 26.03.2019 to the petitioner was cancelled.

The petitioner is an accused in a case registered as C.R. NO. I-14/2019 under Sections 363, 366, 376(2)(i)(n) of the IPC, Sections 4,6 and 12 of POCSO Act and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act, 1989.

The High Court, by its impugned judgment, cancelled the bail granted to the petitioner mainly on the ground that the Trial Court erred in granting the bail at the time when investigation was at a crucial stage.

Learned counsel for the State submits that charge sheet has been filed.

Learned counsel for the petitioner submits though charge sheet has been filed yet neither the charges have been framed nor trial has begun.

In view of the fact that the charge sheet has been filed, the reason which persuaded the High Court to cancel the bail is no more available. We, thus, are of the view that the petitioner should be released on bail on such terms and conditions as may be fixed by the Trial Court. We order accordingly.

The special leave petition stands disposed of. We, however, make it clear that the trial shall be pursued in accordance with law and this Court is not expressing any opinion on the merits of the case.

Pending applications stand disposed of.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER