

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 706 OF 2020  
(Arising out of SLP (Cr1.) No. 2695/2020)

RAKESH CHANDRA SHUKLA

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

O R D E R

Leave granted.

Having heard learned counsel for the appellant-Complainant as well as learned counsel for the Respondent No.1-State and learned counsel appearing on behalf of Hari Om Tripathi-Respondent No.2 (Accused No.3), it is clear that the impugned judgment found that accused No.1 could not be said to have been present at the scene. Respondent No.2 (Accused No.3) was abruptly granted bail thereafter. It is clear that Hari Om Tripathi-Respondent No.2(Accused No.3) was the person, who the eye-witness stated had actually shot the deceased, unlike the case of Accused No.1, who was enlarged on bail on 06.10.2020. Insofar as the other accused are concerned, namely, Accused Nos. 4, 5 & 6, they have also been enlarged on bail for the reason that they did not had any active participation in that they are alleged to have held the victim. The High Court in enlarging the Respondent No.2 (Accused No.3) has grievously erred. We therefore reverse the order of the High Court.

Accordingly, the impugned judgment of the High Court is set aside and the appeal is allowed. The respondent No.2 - Hari Om Tripathi is given four weeks time to surrender before the concerned Court.

..... J.  
(ROHINTON FALI NARIMAN)

..... J.  
(NAVIN SINHA)

..... J.  
(KRISHNA MURARI)

New Delhi;  
October 28, 2020.

ITEM NO.28                      Court 3 (Video Conferencing)                      SECTION II

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 2695/2020

(Arising out of impugned final judgment and order dated 04-02-2020 in CRMBA No. 56769/2019 passed by the High Court Of Judicature At Allahabad)

Date : 28-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE NAVIN SINHA  
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)      Mr. Manoj K. Mishra, Adv.  
                                    Mr. D.N. Dubey, Adv.  
                                    Mr. Umesh Dubey, Adv.

For Respondent(s)      Mr. Ardhendumauli Kumar Prasad, AOR  
                                    Ms. Bansuri Swaraj, Adv.  
  
                                    Mr. A.K. Bajpai, Adv.  
                                    Mr. Divakar Kumar, AOR

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

Leave granted.

The impugned judgment of the High Court is set aside and the appeal is allowed. The respondent No.2 - Hari Om Tripathi is given four weeks time to surrender before the concerned Court in terms of the signed order.

(R. NATARAJAN)  
ASTT. REGISTRAR-cum-PS

(Signed order is placed on the file)

(NISHA TRIPATHI)  
BRANCH OFFICER