

Ramratan@Ramswaroop vs The State Of Madhya Pradesh on 25 October, 2024

Author: Pamidighantam Sri Narasimha

Bench: C.T. Ravikumar, Pamidighantam Sri Narasimha

2024 INSC 826

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 4402 OF 2024
(Arising out of SLP(Crl.) No(s). 10773 of 2024)

RAMRATAN @ RAMSWAROOP & ANR.

....APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH

...RESPONDENT(S)

WITH

CRIMINAL APPEAL NO(S).4403 OF 2024
(Arising out of SLP(Crl.) No(s). 14993 of 2024)
Diary No. 40532/2024

JUDGMENT

Mehta, J.

Criminal Appeal @ SLP(Crl.) No. 10773 of 2024

1. Leave Granted.

2. This appeal arises from an order dated 25th July, 2024¹ passed by the High Court of Madhya Pradesh, Indore Bench² in Miscellaneous Criminal Case No. 27154 of 2024. Vide the impugned order, the High Court granted bail to the appellants, 1 Hereinafter being referred to as 'Impugned Order' 2 Hereinafter being referred to as 'High Court' subject to certain conditions, including the removal of a wall at their expense and also directed the State of Madhya Pradesh to hand over the possession of the disputed property to the complainant³(objector before the High Court).

3. The brief facts relevant and essential for the adjudication of the present appeal are as follows.

4. An FIR⁴ was lodged on 22nd April, 2024 for the offences punishable under Sections 294, 323, 506, 447, 147, 148, and Section 458 of the Indian Penal Code, 1860⁵ at Police Station Road, Ratlam, Madhya Pradesh. The complainant alleged that the appellants, along with others, had forcefully entered into his property after breaking a wall and assaulted his family members. In pursuance of the same, the appellants were arrested on 27th April, 2024. The appellant's First Bail Application⁶ was dismissed as withdrawn vide order dated 29th May, 2024, with liberty to renew the prayer after the chargesheet was filed. The chargesheet was filed against the appellants on 20th June, 2024 under Sections 294, 323, 506, 447, 147, 148, 458, 149 and Section 326 IPC. 3 Mr. Ghanshyam Lashkari⁵ Hereinafter being referred to as the 'IPC' Thereafter, the appellants preferred a Second Bail Application⁷, which came to be allowed vide the impugned order with the following observations:

“5 .Prayer is vehemently opposed by the counsel for the objector and it is submitted that as per the complainant's information, they have still not received the keys of the disputed property and even otherwise, since the accused persons have already sealed the gates by constructing a wall, and the entry in the aforesaid house is from the premises of the accused persons only, hence, the complainant would not be able to enter into the premises.

6. Counsel for the State, on the other hand, has submitted that as per information received, the disputed property is of the government only, and the keys are lying with the Collector, Ratlam. However, it is also submitted that the keys were handed over to the SHO of the concerned Police station by the Mahant of Ramsuchi Sampradayas.

7. Be that as it may, this Court is of the considered opinion that since the applicants are already in jail since 27.04 2024 and they have already handed over the possession of the property to the concerned police station. In such circumstances, respondent/State is directed to remove the wall in front of the gates facing the road at the expense of the applicants, and its keys be also handed over to the complainant positively within a period of 15 days. Needless to say that the accused persons shall not interfere in the possession of the registered owner of the property, which is in the name of the complainant Ghanshyam Lashkari, and shall also bear the expenses of clearing the main gates of the house facing the road.”

8. In view of the aforesaid, without commenting on the merits of the case, the application filed by the applicants is hereby allowed. The applicants are directed to be released on bail upon furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) each with separate solvent surety of the like amount to the satisfaction of the trial Court for their regular appearance before the trial Court during trial with a condition that they shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437(3) Criminal Procedure Code, 1973. ” (Emphasis supplied)

5. The appellants have filed the present appeal challenging the onerous conditions imposed by the High Court while granting the bail to them vide the impugned order.

6. Learned counsel representing the appellants submitted that the conditions imposed by the High Court are excessive and beyond the scope of bail proceedings.

7. It was submitted that the High Court exceeded its jurisdiction under Section 437(3) and Section 439 of the Code of Criminal Procedure, 1973⁸ by imposing onerous conditions that goes beyond ensuring the presence of the accused during investigation and trial.

8. It was further submitted that the High Court's order to hand over the keys of the disputed property to the complainant has prejudiced the ongoing Civil Suit⁹ between the State of Madhya Pradesh and the complainant, his wife, and Mahant Pushpraj⁸ Hereinafter being referred to as the 'CrPC'⁹ 9 RCSA No. 2019 of 2024, for declaration and permanent injunction against the complainant [Ghanshyam Lashkari], his wife [Durga Lashkari] and Mahant Pushparaj seeking cancellation of a deed dated 21.07.2011.

titled "Government of Madhya Pradesh through Collector, Ratlam, Madhya Pradesh v. Mrs. Durga Lashkari and Ors."

9. Learned standing counsel for the State of Madhya Pradesh affirmed that a Civil Suit¹⁰ is pending between the State and the complainant, his wife, and Mahant Pushpraj in which the State has sought a declaration of title and permanent injunction. As per the learned counsel for the State, while deciding the bail application, the High Court ought not to have ventured into the civil dispute inter se between the parties, as the order to deliver the possession of the property to the complainant (who is the defendant in the pending suit for title declaration), is bound to have prejudicial consequences on the civil rights of the parties.

10. Mr. Puneet Jain, learned senior counsel appearing on behalf of the complainant vehemently and fervently opposed the submissions advanced by the appellant's counsel. He urged that looking at the fact that the appellants had forcibly broken into the premises of the complainant being the registered owner of the property and caused injuries to him and his family members, the High Court was fully justified in imposing the conditions as set out 10 Supra, Note 9 in the impugned order, while extending indulgence of bail to the appellants.

11. We have heard the learned counsel for the parties. The issue that requires our attention is as to whether the High Court exceeded the jurisdiction conferred upon it by Section 439 CrPC by imposing onerous and unreasonable conditions unrelated to the grant of bail, to be specific, the direction for removal of the wall at the expense of the appellants and handing over possession of the disputed property to the complainant.

12. The fundamental purpose of bail is to ensure the accused's presence during the investigation and trial. Any conditions imposed must be reasonable and directly related to this objective. This Court in "Parvez Noordin Lokhandwalla v. State of Maharashtra and Another"¹¹ observed that though the competent court is empowered to exercise its discretion to impose "any condition" for the grant of bail under Sections 437(3) and 439(1)(a) CrPC, the discretion of the court has to be guided by the need to facilitate the administration of justice, secure the presence of the accused and ensure that

the liberty of the accused is not misused 11 (2020) 10 SCC 77 to impede the investigation, overawe the witnesses or obstruct the course of justice. The relevant observations are extracted herein below:

“14. The language of Section 437(3) CrPC which uses the expression “any condition ... otherwise in the interest of justice” has been construed in several decisions of this Court. Though the competent court is empowered to exercise its discretion to impose “any condition” for the grant of bail under Sections 437(3) and 439(1)(a) CrPC, the discretion of the court has to be guided by the need to facilitate the administration of justice, secure the presence of the accused and ensure that the liberty of the accused is not misused to impede the investigation, overawe the witnesses or obstruct the course of justice. Several decisions of this Court have dwelt on the nature of the conditions which can legitimately be imposed both in the context of bail and anticipatory bail.” (Emphasis supplied)

13. In Sumit Mehta v. State (NCT of Delhi)¹², this Court discussed the scope of the discretion of the Court to impose “any condition” on the grant of bail and observed in the following terms:-

“15. The words “any condition” used in the provision should not be regarded as conferring absolute power on a court of law to impose any condition that it chooses to impose. Any condition has to be interpreted as a reasonable condition acceptable in the facts permissible in the circumstance and effective in the pragmatic sense and should not defeat the order of grant of bail. We are of the view that the present facts and circumstances of the case do not warrant such extreme condition to be imposed.” (Emphasis supplied)

12 (2013) 15 SCC 570

14. This Court in Dilip Singh v. State of Madhya Pradesh and Another¹³, laid down the factors to be taken into consideration while deciding the application for bail and observed:

“4. It is well settled by a plethora of decisions of this Court that criminal proceedings are not for realisation of disputed dues. It is open to a court to grant or refuse the prayer for anticipatory bail, depending on the facts and circumstances of the particular case. The factors to be taken into consideration, while considering an application for bail are the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution; reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses; reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; character, behaviour and standing of the accused; and the circumstances which are peculiar or the accused and larger interest of the public or the State and similar other considerations. A criminal court, exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as a recovery agent to realise the dues of the complainant,

and that too, without any trial.” (Emphasis supplied)

15. In Mahesh Chandra v. State of U.P. and Others¹⁴, this Court observed that while deciding a bail application, it is not the jurisdiction of the Court to decide civil disputes as between the parties. The relevant part is extracted hereinbelow:

“3. As a condition for grant of anticipatory bail, the High Court has recorded the undertaking of the petitioners to pay to the victim daughter-in-law a sum of Rs 2000 per month and failure to do so would result in vacation of the order 13 (2021) 2 SCC 779 14 (2006) 6 SCC 196 granting bail. We notice that the applicants before the High Court were the jeth and jethani of the victim. We fail to understand how they can be made liable to deposit Rs 2000 per month for the maintenance of the victim. Moreover, while deciding a bail application, it is not the jurisdiction of the court to decide civil disputes as between the parties. We, therefore, remit the matter to the High Court to consider the bail application afresh on merit and to pass an appropriate order without imposing any condition of the nature imposed by the impugned order.

(Emphasis supplied)

16. This Court has consistently emphasised that the Court's discretion in imposing conditions must be guided by the need to facilitate the administration of justice, secure the accused's presence, and prevent the misuse of liberty to impede the investigation or obstruct justice.

17. Having gone through the impugned order, particularly the observations made by the High Court in paragraphs 5, 6, and 7 15, we find that while the Second Bail application of the appellants was under consideration, it was the police who took possession of the keys of the immovable property under an alleged voluntary application filed by the Mahant of Ram Suchi Sampradaya. We believe that this action by the police to take possession of immovable property reflects total lawlessness. Under no circumstances, can the police be allowed to interfere with the 15 Supra, Para 4 possession of immovable property, as such action does not bear sanction by any provision of law.

18. Therefore, we conclude that the High Court has clearly exceeded its jurisdiction in para 7 of the impugned order by imposing the conditions of demolishing the wall at the expense of the appellants and handing over the possession of the disputed property to the complainant.

19. In this case, the conditions imposed clearly tantamount to deprivation of civil rights, rather than measures to ensure the accused's presence during trial. Therefore, the conditions imposed by the High Court in the highlighted extract of paragraph 716 of the impugned order, are hereby set aside.

20. We further make it clear that none of the observations made in the order dated 25th July, 2024, or this order shall prejudice the rights of the parties in the pending civil suit¹⁷.

21. The appellants shall continue to remain on bail upon furnishing a personal bond in the sum of Rs. 50,000/- each, with one surety of the like amount, to the satisfaction of the trial Court. 16 Supra, Para 4 Supra, Note 9

22. The other conditions imposed by the High Court shall remain in force.

23. The appeal is allowed in these terms. No costs.

24. Pending application(s), if any, shall stand disposed of. Criminal Appeal @ SLP(Criminal) Diary No. 40532/2024

25. Permission to file special leave petition is granted.

26. Leave granted.

27. The appeal is allowed in terms of the judgment passed in Criminal Appeal @ SLP(Crl.) No. 10773 of 2024.

28. Pending application(s), if any, shall also stand disposed of.

.....J. (C.T. RAVIKUMAR)J. (SANDEEP MEHTA) New Delhi;

October 25, 2024