

The State Of Maharashtra vs Vitthalrao on 29 January, 2020

Author: R. Banumathi

Bench: R. Banumathi, A.S. Bopanna

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NON-

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Petition(s) for Special Leave to Appeal (Crl.)No(s).8281-8282/2017

THE STATE OF MAHARASHTRA

Petiti

VERSUS

VITTHALRAO & ORS.

Respondent(s)

WITH

SPECIAL LEAVE PETITION (Crl) No. 8291 OF 2017

CHHATRAPATI SAMBHAJI SAKHAR UDYOG LTD.

Petit

VERSUS

VITTHALRAO & ORS.

Respon

O R D E R

R. BANUMATHI, J. :

SLP (Crl.) No(s).8281-8282/2017 & SLP (Crl.) No.8291/2017 :

(1) Being aggrieved by the grant of anticipatory bail to the first respondent on 04.08.2016, the State of Maharashtra as well as the complainant-Chhatrapati Sambhaji Sakhar Udyog Ltd. have filed these special leave petitions.

(2) We have heard Mr. Sachin Patil, learned counsel appearing for the petitioner-State of Maharashtra in SLP(Crl.)No(s).8281-8282 of 2017 as well as Mr. Chinmoy Khaladkar, learned counsel appearing for the petitioner-complainant in SLP(Crl.)No.8291 of 2017. (3) By the impugned order, the first respondent was granted anticipatory bail for the offences punishable under Sections 420, 465, 468, 471 IPC read with Section 34 IPC (4) The grievance of the petitioners is that in spite of direction by the High Court, the first respondent is not cooperating with the investigation and also the trail of money. Learned counsel have inter alia stated that since the accused is not cooperating further investigation could not be proceeded and chargesheet is yet to be filed.

17:06:35 IST Reason:

(5) Per contra, Mr. Siddharth Bhatnagar, learned senior counsel appearing for the second respondent has submitted that after the impugned order, the first respondent has been called upon by the Investigating Officer only at four occasions last at on 06.08.2016.

Learned senior counsel has further submitted that the first respondent is ready to render all cooperation with the Investigating Officer.

(6) Since the first respondent was granted anticipatory bail way back in the year 2016, at this distant point of time, we are no inclined to interfere with the impugned order. (7) We are of the view that interest of justice would be met by disposing of the special leave petitions by imposing appropriate conditions upon the first respondent. The special leave petitions are disposed of modifying the conditions of bail imposed upon the first respondent by the High Court while granting anticipatory bail.

(8) Accordingly, the first respondent is directed to report before the concerned investigating officer once in a week on every Monday at 02:00 p.m., until further orders from this Court. The first respondent shall render all cooperation with the investigation officer. In case of any non-cooperation by the first respondent, the State of Maharashtra is at liberty to approach this Court.

.....J. (R. BANUMATHI)J. (A.S. BOPANNA) NEW DELHI, JANUARY 29, 2020.

ITEM NO.7

COURT NO.5

SECTION II-A

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (Crl.)No(s).8281-8282/2017 (Arising out of impugned final judgment and order dated 28-07-2016 in CRLA No. 3547/2016 28-07-2016 in CRLA No. 3546/2016 passed by the High Court Of Judicature At Bombay At Aurangabad) THE STATE OF MAHARASHTRA Petitioner(s) VERSUS VITTHALRAO & ORS. Respondent(s) (ONLY SLP (CRL) NO. 8291/2017 TO BE LISTED) WITH SLP(Crl) No. 8291/2017 (II-A) Date : 29-01-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI HON'BLE MR. JUSTICE A.S. BOPANNA
For Petitioner(s) Mr. Sachin Patil, AOR (SLP 8281-8282/2017) Mr. Rahul Chitnis,Adv.

Mr. Aaditya A. Pande,Adv.

Mr. Geo Joseph,Adv.

(SLP 8291/2017) Mr. Chinmoy Khaladkar,Adv.

Mr. Sanjay Kharde,Adv.

Mr. Samrat Shinde,Adv.

Mr. Ranjit Kumar Rathod,Adv. Mr. Sunil Kumar Verma, AOR For Respondent(s) Mr. Siddharth Bhatnagar,Sr.Adv.

Mr. Suman Kukrety, AOR (R-3-Bank) Mr. P.S. Patwalia,Sr.Adv.

Mr. Siddhesh Kotwal,Adv.

Ms. Bansuri Swaraj,Adv.

Ms. Arshiya Ghose,Adv.

Mr. Divyash Tiwari,Adv.

Ms. Ana Upadhyay,Adv.

Mr. Akshay Chadha,Adv.

Ms. Harshika Verma,Adv.

Ms. Astha Sharma, AOR Mr. Sachin Patil, AOR Mr. Rahul Chitnis,Adv.

Mr. Aaditya A. Pande,Adv.

Mr. Geo Joseph,Adv.

Mr. Ashok Srivastava,Adv. Mr. Ashish Choudhury,Adv. Mr. Dhruv Surana,Adv.

Ms. Bharti Tyagi, AOR UPON hearing the counsel the Court made the following O R D E R SLP (Crl.) No(s).8281-8282/2017 & SLP (Crl.) No.8291/2017 :

In terms of the signed order, the special leave petitions are disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)

(BEENA JOLLY)

COURT MASTER

BRANCH OFFICER

(Signed non-reportable order is placed on the file)