

Prakash Chand Meena vs The State Of Rajasthan Through Sho on 9 October, 2018

Equivalent citations: AIRONLINE 2018 SC 719

Author: Kurian Joseph

Bench: S. Abdul Nazeer, Kurian Joseph

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1268/2018
(ARISING FROM SLP (CRL) NOS.391/2018)

PRAKASH CHAND MEENA

VERSUS

THE STATE OF RAJASTHAN & ANR.

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellant approached this Court aggrieved by the denial of protection under Section 438 Cr.P.C. in respect of FIR No.202 dated 05.10.2017 registered at Police Station Banipark, District Jaipur (West).

3. This Court, on 23.01.2018, passed the following order:-

“Issue notice.

In the event of the petitioner being arrested in connection with FIR No.202 dated 05.10.2017 registered at Police Station Banipark, District Jaipur (West), he shall be released on execution of bond for a sum of Rs.1,00,000/- (Rupees One Lac) with two solvent sureties for the like amount.

11:01:05 IST We make it clear that this order is passed subject to other conditions under Section 438(2) of the Cr.P.C. and the petitioner shall cooperate with the investigation.”

4. We are informed that the investigation has been completed and the final report has been filed. The Court has taken cognizance. The appellant has been summoned. Now the case is at the stage of consideration of charge. In the meanwhile, by order dated 15.02.2018, it appears the petitioner has been released on regular bail by the Trial Court, apparently on the basis that the appellant has been granted anticipatory bail by this Court. On going through the order dated 15.02.2018, we do not find any other consideration. Since the matter is referred to a larger Bench, we do not propose to deal with the issue any further as to whether the Trial Court could have granted regular bail solely based on the protection granted by this Court.

5. However, we make it clear that it will be open to the de facto complainant to approach the Trial Court to modify the conditions of bail.

6. Without prejudice to such liberty, this appeal is disposed of.

7. Learned counsel appearing for the de facto complainant submits that orders may be passed compelling the appellant to make appropriate deposit before the Trial Court in view of the conduct of the appellant and the quantum involved.

8. We do not think that it will be appropriate for us to go into this question. It will be open to the de facto complainant to approach the Trial Court.

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

.....J. [KURIAN JOSEPH]J. [S. ABDUL NAZEER] NEW DELHI;

OCTOBER 09, 2018.