

[2024] 11 S.C.R. 822 : 2024 INSC 877

Siddique
v.
State of Kerala & Anr.

(Criminal Appeal No. 4625 of 2024)

19 November 2024

[Bela M. Trivedi and Satish Chandra Sharma, JJ.]

Issue for Consideration

Whether the appellant is entitled to anticipatory bail.

Headnotes[†]

Code of Criminal Procedure, 1973 – s.438 – FIR against the appellant u/ss.376, 506, IPC – Application seeking anticipatory bail rejected by High Court – Challenge to:

Held: Complainant lodged the complaint almost after eight years the alleged incident which had taken place in 2016 – Further, though she had also posted a post on facebook in 2018 making allegations against about 14 people, including the appellant with regard to the alleged sexual abuse, however, she did not go to the Justice Hema Committee constituted by the High Court of Kerala for ventilating her grievance – Appellant granted anticipatory bail – To be released on bail, if arrested, subject to the conditions imposed by the Trial Court, if any. [Paras 4, 5]

List of Acts

Code of Criminal Procedure, 1973; Penal Code, 1860.

List of Keywords

Anticipatory bail; Conditions imposed; Complaint lodged after eight years; Post on facebook; Alleged sexual abuse; Sensitive case/ sensitivity of the case.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 4625 of 2024

From the Judgment and Order dated 24.09.2024 of the High Court of Kerala at Ernakulam in BA No. 7331 of 2024

Siddique v. State of Kerala & Anr.**Appearances for Parties**

Mukul Rohatgi, Siddharth Aggarwal, Sr. Advs., Ms. Ranjeeta Rohatgi, Advs. for the Appellant.

Mrs. Aishwarya Bhati, A.S.G., Renjith Kumar, Sr. Adv., Nishad L.S., Ajeesh Kalathil Gopi, Nishe Rajen Shonker, Ms. Vrinda Grover, Ms. Devika Tulsiani, Aakarsh Kamra, Advs. for the Respondents.

Judgment / Order of the Supreme Court**Judgment**

1. Leave granted.
2. The present appeal is directed against the judgment and order dated 24.09.2024, passed by the High Court of Kerala at Ernakulam in Bail Application No.7331 of 2024, rejecting the said application filed by the appellant – accused seeking anticipatory bail under Section 438 of the Cr.P.C. in connection with the F.I.R. being Crime No.1192 of 2024 dated 27.08.2024 registered at Police Station Museum, District Thiruvananthapuram City, for the offence under Sections 376 and 506 IPC.
3. Heard learned senior counsel/counsel for the parties at length.
4. Having regard to the submissions made by the learned senior counsels for the parties and perusing the documents on record including the pleadings, we deem it appropriate not to assign elaborate reasons, particularly considering the sensitivity of the case. However, considering the fact that the complainant had lodged the complaint almost eight years after the alleged incident, which had taken place in 2016 and the fact that she had also posted the post on facebook somewhere in 2018, making allegations against about 14 people, including the appellant with regard to the alleged sexual abuse, as also the fact that she had not gone to the Justice Hema Committee constituted by the High Court of Kerala for ventilating her grievance, we are inclined to accept the present appeal, subject to certain conditions mentioned hereinafter.
5. In that view of the matter, it is directed that in the event of arrest of appellant in connection with the F.I.R. being Crime No.1192 of 2024 dated 27.08.2024 registered at Police Station Museum, District

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Thiruvananthapuram City, for the offence under Sections 376 and 506 IPC, he shall be released on bail, subject to the conditions that may be imposed by the Trial Court, including the condition that the appellant shall deposit the passport before the Trial Court and shall cooperate with the Investigating Officer in carrying out the investigation.

6. It is needless to say that any breach of the conditions that may be imposed by the Trial Court for releasing him on bail, shall entail cancellation of the bail.
7. Subject to the afore-stated, the present appeal stands allowed.
8. Pending application(s), if any, shall stand disposed of.

Result of the case: Appeal allowed.

[†]Headnotes prepared by: Divya Pandey