

Jinnar Ali vs The State Of West Bengal Ministry Of Home ... on 9 August, 2017

Bench: J. Chelameswar, S. Abdul Nazeer

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1379 OF 2017
(Arising out of S.L.P. (Crl.) No.1461 of 2017)

SK. JINNAR ALI

...APPELLANT

VERSUS

THE STATE OF WEST BENGAL

...RESPONDENT

ORDER

1. Leave granted.

2. The appellant has preferred this appeal challenging the order passed by the High Court of Calcutta in CRM No. 10553 of 2016 dated 17.01.2017, whereby his application for grant of anticipatory bail has been rejected.

3. The genesis of the case stems from a matrimonial dispute. The wife of the appellant filed a complaint before the Chief Judicial Magistrate at Burdwan alleging offences punishable under Sections 498A/109/420/406/506/34/120B of the IPC against the appellant and her in-laws.

The complaint was registered as FIR No.549/16. Deepak Mansukhani is being used by Mr. Om Parkash Sharma She filed yet another application under Sections 4/12/18/19(8)/20/22/23 of the Protection of Women from Domestic Violence Act, 2005 against the appellant and her in-laws alleging physical and mental torture in G.R.No.2149/16. In the said case, appellant was released on bail by order dated 18.7.2016. The wife of the appellant filed another complaint against the appellant alleging offences under Sections 467/127A/468/471/384/386/120B of IPC as well as for the offences punishable under the Official Secrets Act, Information Technology Act and Emblem and Names Act, 1950. The complaint was registered as FIR 1165/2016 with Burdwan Police Station. The application filed by the appellant seeking anticipatory bail under Section 438 of the Cr.P.C. was dismissed by the High Court by the impugned order.

4. Having heard learned counsel for the parties, prima facie, we are of the view that the complaint lodged by the wife of the appellant was only to wreak vengeance on the appellant. As noted above,

the appellant had been granted anticipatory bail in the previous case for lack of prima facie evidence against the appellant. The appellant is a Journalist by profession running a monthly newspaper in West Bengal. We are of the view that the High Court was not justified in rejecting application of the appellant for grant of anticipatory bail.

6. In the result, the appeal succeeds and it is allowed in part. The order passed by the High Court in CRM No.10553 of 2016 dated 17.1.2017 is set aside and the anticipatory bail application filed by the appellant is allowed. We direct that in the event of arrest of the appellant in connection with FIR No.1165/16 dated 02.11.2016 registered at Burdwan Police Station, he shall be released on bail provided he furnishes a personal bond in a sum of Rs.25,000/- along with two sureties of like sum to the satisfaction of the concerned I.O./SHO on the following conditions:

i) that the appellant shall make himself available for interrogation by the police officer as and when required;

(ii) that the appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any police officer' and

iii) That the appellant shall not leave India without previous permission of the court.

.....J. (J. CHELAMESWAR)J. (S. ABDUL NAZEER)
New Delhi;

August 09, 2017.

ITEM NO.4

COURT NO.3

SECTION II-B

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 (Crl.) No(s). 1461/2017

(Arising out of impugned final judgment and order dated 17-01-2017 in CRM No. 10553/2016 passed by the High Court Of Calcutta) JINNAR ALI Petitioner(s) VERSUS THE STATE OF WEST BENGAL Respondent(s) Date : 09-08-2017 This petition was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR HON'BLE MR. JUSTICE S. ABDUL NAZEER For Petitioner(s) Mr. Rauf Rahim, AOR For Respondent(s) Mr. Chanchal Kumar Ganguli, AOR Mr. Adeel, Adv.

Mr. Shikha Aggarwal, Adv.

Mr. Raja Chatterjee, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.
The appeal is allowed in terms of the signed order.

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

(OM PARKASH SHARMA)

AR CUM PS

(Signed order is placed on the file)

(RAJINDER KAUR)

COURT MASTER