

Visirikapally Raja Rao vs The State Of Maharashtra on 30 January, 2023

Author: M.M. Sundresh

Bench: M.M. Sundresh

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2023
(Arising out of Special Leave Petition (Criminal) No. 10313/2022)

VISIRIKAPALLY RAJA RAO

.....

VERSUS

THE STATE OF MAHARASHTRA

.....

O R D E R

Leave granted.

The appellant seeks regular bail in charge sheet dated 23.10.2021 arising out of FIR No. 508/2021 dated 01.09.2021 under Sections 363, 368, 370, 34, 120B, and 201 of the Indian Penal Code, 1860, registered at Police Station Bandra, Mumbai, Maharashtra.

The impugned judgment dated 29.09.2022 passed by the High Court rejecting the application for bail itself recognizes that the appellant may not be responsible for kidnapping the child and, in fact, was guided by other considerations as the appellant and his wife were a childless couple. However, it is also recorded that the appellant did not follow the procedure prescribed by law for adoption and, therefore, must face the prosecution.

We are informed that the appellant has already suffered incarceration for over 16 months.

Keeping in view the aforesaid facts, without making any comments on the merits of the case, which is still sub-judice before the trial court, we feel that the appellant should be released on regular bail, on terms and conditions to be fixed by the trial court.

We clarify that the observations made in this order would not be treated as findings on the merits of the case.

Recording the aforesaid, the impugned order is set aside and the appeal is allowed in the above

terms.

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

.....J. (SANJIV KHANNA)J. (M.M. SUNDRESH) NEW DELHI;

JANUARY 30, 2023.

PS

ITEM NO.5

COURT NO.7

SECTION II-A

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). 10313/2022

(Arising out of impugned judgment and order dated 27-09-2022 in BA No. 4374/2021 passed by the High Court Of Judicature At Bombay) VISIRIKAPALLY RAJA RAO PETITIONER(S) VERSUS THE STATE OF MAHARASHTRA RESPONDENT(S) (IA No. 163845/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 163842/2022 - EXEMPTION FROM FILING O.T.) Date : 30-01-2023 This matter was called on for hearing today. CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA HON'BLE MR. JUSTICE M.M. SUNDRESH For Petitioner(s) Mr. Ravi Prakash Mehrotra, Sr. Adv.

Mr. Kaushal Yadav, AOR Mr. Apoorv Srivastava, Adv.

Mr. Nandlal Kr. Mishra, Adv.

Mr. Shaifk Ahmed, Adv.

Dr. Ajay Kumar, Adv.

Ms. Yashoda Katiyar, Adv.

For Respondent(s) Mr. Shrirang B. Varma, Adv.

Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya Aniruddha Pande, AOR Mr. Bharat Bagla, Adv.

Ms. Kirti Dadheech, Adv.

UPON hearing the counsel, the Court made the following O R D E R Leave granted.

The appeal is allowed and the appellant is granted bail in terms of the signed order, which is placed on the file. Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)