



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1446 OF 2022
(Arising out of SLP (CrI.) No.5869 of 2022)

BEERBAL PRASAD RAJORIYA

Appellant

VERSUS

STATE OF MADHYA PRADESH

Respondent

O R D E R

Leave granted.

This appeal arises out of the judgment and order dated 14.06.2022 passed by the High Court of Madhya Pradesh at Gwalior in Miscellaneous Criminal Case No.23648 of 2022.

Apprehending arrest in connection with crime registered pursuant to First Information Report No.0076 dated 10.03.2022 lodged with Police Station Kotwali Sheopur, District Sheopur, Madhya Pradesh, in respect of the offences punishable under Sections 376(2)(n) and 506 of the Indian Penal Code, 1860 ("IPC" for short), the appellant preferred an application before the High Court seeking anticipatory bail.

Said application having been rejected, the instant appeal has been preferred.

While issuing notice on 14.07.2022, this Court granted interim relief in following terms:

"Pending further consideration, the petitioner shall not be arrested in connection with First Information Report No.0076 dated 10.03.2022 registered with Police Station Kotwali Sheopur, District Sheopur, Madhya Pradesh, in respect of the offences punishable under Sections 376(2)(n) and 506 of the Indian Penal Code, 1860."

In this appeal, we have heard Mr. Fuzail Ahmad Ayyubi, learned Advocate for the appellant; and, Mr. Gopal Jha, learned Advocate for the State.

Going by the allegations made in the First Information Report that the incident in question had occurred five months before the First Information Report was lodged and the attending circumstances, in our view, the case of anticipatory bail is made out.

In the circumstances, we make the aforesaid interim order dated 14.07.2022 absolute and direct as under:

- a) in the event of being arrested in connection with the aforesaid crime, the Arresting Officer shall release the appellant on bail on his furnishing cash security in the sum of Rs.50,000/- (Rupees fifty thousand only) with two like sureties.

The aforesaid relief is granted expressly subject to the appellant rendering complete co-operation in the ensuing investigation.

- b) The appellant shall present himself as and when his presence is requisitioned by the investigating officer.
- c) The appellant shall not in any way try to hamper the course of investigation or conduct of trial.

With these observations, the appeal is allowed.

.....CJI.
[UDAY UMESH LALIT]

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
SEPTEMBER 05, 2022