



IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.360 OF 2022

(Arising out of SLP (CrI.) No.11390 of 2019)

ABHISHEK KUMAR

Appellant

VERSUS

STATE OF DELHI

Respondent

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 11.10.2019 passed by the High Court of Delhi at New Delhi in Bail Application No.1913 of 2019.

Apprehending arrest in connection with crime registered pursuant to First Information Report No.300/2019 dated 21.05.2019 lodged with Police Station New Ashok Nagar, District East Delhi, for the offences punishable under Sections 376/328/506/313 IPC, the appellant preferred an application for anticipatory bail in terms of Section 438 of the Code of Criminal Procedure, 1973. The application having been rejected by the High Court, the present appeal has been preferred.

While issuing notice vide order dated 18.12.2019, this Court granted interim relief and directed that no coercive action be taken against the appellant. The appellant has enjoyed said relief for the last more than two years.

We have heard learned counsel for the parties.

Considering the entirety of the situation, in our view, the appellant is entitled to the relief of anticipatory bail.

We, therefore, allow this appeal, set-aside the order passed by the High Court, and direct as under:

- a) In case the appellant is arrested in connection with the aforesaid crime, the Arresting Officer shall release the appellant on bail subject to his furnishing cash security in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two like sureties.
- b) The appellant shall extend complete co-operation in the ensuing investigation and in order to facilitate the investigation, the appellant shall present himself before the Investigating Officer as and when his presence is requisitioned by the Investigating Officer.

With these observations, the appeal is allowed.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

New Delhi,
March 07, 2022.

ITEM NO.10 COURT NO.2 SECTION II-C
(HEARING THROUGH VIDEO CONFERENCING)

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Special Leave Petition (Crl.) No.11390 of 2019

ABHISHEK KUMAR

Appellant(s)

VERSUS

STATE OF DELHI

Respondent(s)

(IA No.191967/2019 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.191965/2019 - FOR EXEMPTION FROM FILING O.T.)

Date : 07-03-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s) Mr. Lokesh Kumar Mishra, Adv.
Mr. Anurag, AOR

For Respondent(s) Mr. K.M. Nataraj, ASG
Mr. Gurmeet singh Makker, Adv.
Mr. Shailesh Madiyal, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Raghvendra S. Srivatsa, 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 placed on
the file.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(VIRENDER SINGH)
BRANCH OFFICER