

CRA-S No. 1896 of 2023

To await appearance of respondent No.2, adjourned to 30.10.2023.

In the meantime, in the event of arrest, the appellant shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the appellant shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

3 Learned State counsel does not dispute the fact that the appellant has joined the investigation.

4 In view of above, the interim order dated 26.07.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5 This order should not be treated as "blanket" order. It will not be read granting appellant indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6 This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the appellant.

7 The appellant shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

8 It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to

witnesses with a view to influence outcome of the investigation or trial.

9 Appeal stands disposed off.

10 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

15.02.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes
No