



CRM-M-40475-2024

4. Learned State counsel assisted by counsel for the complainant, on instructions from SI Sarika, has not disputed the submission made by learned counsel for the petitioner. Learned State counsel has further submitted that the petitioner is not required for custodial interrogation. However, it has been asserted by the State counsel that recovery of Rs.15 lakhs, which was given in cash to the petitioner has not yet been made.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Hon'ble the Supreme Court has repeatedly emphasised that Courts must assess the prayer for bail application independently, without being swayed by the arguments of the State or the complainant that recovery of certain articles or money is yet to be affected. It has been emphasised by Hon'ble the Supreme Court that the role of the Court is not to aid or assist in recovering the money or articles of the complainant. Rather, the Courts are expected to just prioritise as to whether the parameters laid down for the concession of bail are met, instead of facilitating the recovery of money etc.

7. In view of the above, present petition is allowed and interim order dated 03.09.2024 is made absolute subject to the conditions as envisaged in Section 438(2) Cr.PC/482(2) of BNSS.

03.12.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No