

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.194/2018
(ARISING FROM SLP (Cr1) NO.26 OF 2018)

BHAUSAHEB

APPELLANT (S)

VERSUS

THE STATE OF MAHARASHTRA

RESPONDENT (S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellant approached this Court aggrieved by the denial of protection under Section 438 Cr.P.C. by the High Court.

3. While issuing notice by order dated 12.01.2018 this Court noted that the appellant had already taken voluntary retirement in the year 2011 and the suicide is of the year 2017. We had requested the learned counsel for the State to get instruction as to the stage of the investigation. Learned counsel for the State submits that the investigation is in progress and the same is yet to be completed.

4. Having gone through the materials made available to the Court and having heard the learned counsel for the parties, we are of the view that it is a case where the appellant needs to be given protection on the condition that he would cooperate with the investigation.

5. Accordingly, this appeal is disposed of as follows:

In case the appellant is arrested in connection with FIR No. 115/2017 registered at P.S. Rahata, he shall be released on bail on his executing bond to the tune of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount. However, this is subject to the conditions under Section 438(2) of the Cr.P.C. and the appellant shall cooperate with the investigation.

6. Pending applications, if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGOUDAR]

NEW DELHI;
JANUARY 30, 2018