
(2000) 03 SC CK 0116

In the Supreme Court Of India

Case No : Criminal Appeal No. 295 of 2000 (arising out of S.L.P. (Cri.) No. 3923 of 1999)

Abdul Hamit Ansari and Others

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 16-03-2000

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439

Citation : (2000) 3 ACR 1883 : AIR 2000 SC 3541 : (2000) AIRSCW 3375 : (2000) AIRSCW 3349 : (2000) CriLJ 4660 : (2000) 7 JT 390 : (2000) 6 Supreme 437 : (2000) 6 Supreme 420

Hon'ble Judges : M. B. Shah, J;K. T. Thomas, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Leave granted.

2. We know that this is a case u/s 302 of the Indian Penal Code read with Section 149. Though the police was not able to trace out the culprits at the first stage of the investigation, pursuant to the petition filed by the widow of the deceased further investigation was conducted and the names of the present appellants are also now included among the suspected persons. We came across the antecedents of the deceased which appellants described as 'dreaded'. Nonetheless, we are not inclined to give a pre-arrest bail order to the appellants. At the same time considering all the pros and cons of this matter we are of the view that some relief must be granted to the appellants in view of the peculiar facts and circumstances of the case. We, therefore, dispose of this appeal with the following directions

(1) If appellants would surrender before the police within 2 weeks from today, we direct the Investigating Officer to complete the interrogation of the appellant concerned as expeditiously as possible. On completion of interrogation and recovery of material object, if any, such appellant shall be released on bail on his

executing a bond in a sum of Rs. 5,000/- with two solvent sureties each to the satisfaction of the Investigating Officer.

(2). Appellants shall abide by the condition, inter alia, that no threat shall be exerted on any of the witnesses nor any evidence be tampered with. We also make it clear that if any of the appellants misuses the bail we permit the Investigating Officer or even the aggrieved person to move the Sessions Court or the High Court u/s 439(2) of the CrPC for cancellation of the bail. With these observations, this appeal is disposed of.