

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 746 OF 2020
(Arising out of SLP(Crl.)No. 11044 of 2019)



Appellant (s)

VERSUS

RIZWAN & ANR.

Respondent (s)

O R D E R

Leave granted.

This appeal takes exception to the judgment and order dated 19.10.2019 passed by the High Court of Judicature at Allahabad in Criminal Misc. Bail Application No. 43427 of 2019 releasing the respondent No.1 on bail in connection with Case Crime No. 368 of 2019 registered at P.S. Moodhapandey, Moradabad, Uttar Pradesh concerning offence punishable under Section 376 of Indian Penal Code and Sections 3 and 4 of the Prevention of Children from Sexual Offences Act, 2012.

We have heard learned counsel for the parties.

We are disturbed to notice the manner in which the High Court has casually released the respondent No.1 on

bail despite having noted that respondent No.1 was involved in other serious offences and had committed offence even while on bail.

In terms of the impugned High Court order, the respondent No.1 was released on bail but has been arrested in connection with some other offence.

While issuing notice, we had made it clear that if the respondent No.1 had not been released on bail in the concerned case, shall continue to remain in jail till the hearing of this appeal.

It is reported that respondent No.1 was released on bail after the High Court order but came to be arrested in connection with some other offence. That makes no difference. In our opinion, the impugned judgment cannot stand the test of judicial scrutiny.

We accordingly set aside the same and direct that respondent No.1 shall remain in jail in connection with Case Crime No. 368 of 2019 registered at P.S. Moodhapandey, Moradabad, Uttar Pradesh, during the pendency of the trial of this case.

The only indulgence that can be shown to respondent No.1 is to direct the Trial Court to ensure that the subject trial is completed not later than end of March

2021 and submit compliance report in that regard in the Registry of this Court.

The Criminal Appeal and pending application(s) are disposed of accordingly.

.....J
(A.M. KHANWILKAR)

.....J
(B.R. GAVAI)

.....J
(HRISHIKESH ROY)

New Delhi
November 16, 2020

ITEM NO.1 Court 4 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 11044/2019

(Arising out of impugned final judgment and order dated 19-10-2019 in CRMB No. 43427/2019 passed by the High Court Of Judicature At Allahabad)

SHAKREEN Petitioner(s)

VERSUS

RIZWAN & ANR. Respondent(s)

(IA No. 102292/2020 - CLARIFICATION/DIRECTION
IA No. 102293/2020 - EXEMPTION FROM FILING O.T.)

Date : 16-11-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Mr. Priyadarshi Gopal, Adv.
Ms. Rashmi Singh, AOR

For Respondent(s)

Mrs. Rani Chhabra, AOR

Mr. Ajay Vikram Singh, AOR
Mr. Priyanka Singh, Adv.
Mr. Chandra Shekhar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The Criminal Appeal is disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]

