

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1759/2006

(From the judgement and order dated 25.1.06 in CRLA No. 302/05 of The  
e HIGH COURT OF JUDICATURE AT BOMBAY)

ANIL MURLIDHAR DESHMUKH

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With appln(s) for bail and permission to file additional documents and office report)

With SLP(Crl.) No. 1951/2006

(With appln(s) for bail and permission to file additional documents and office report)

Date: 31/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE DALVEER BHANDARI

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr. Uday U. Lalit, Sr. Adv.

Mr. Chinmoy Khaladkar, Adv.

Mr. S.K. Nandy, Adv.

Mr. Arvind Savant, Sr. Adv.

Mr. Shivaji M. Jadhav, Adv.

Mr. Himanshu Gupta, Adv.

Mr. Brij Kishor Sah, Adv.

For Respondent(s)

Mr. Sushik Kumar, Sr. Adv.

Ms. Sandhya Goswami, Adv.

Mr. Ravindra Keshavrao Adsure, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeals are disposed of in terms of the signed order.

(Ganga Thakur)

(Veera Verma)

PS to Registrar

Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

C

CRIMINAL APPEAL

NO.

OF 2007

(Arising out of SLP(Crl.) No. 1759/06)

ANIL MURLIDHAR DESHMUKH

... APPELLANT(S)

Versus

With Criminal Appeal No...../07 @ SLP(Crl.) No. 1951/06

O R D E R

Leave granted.

The appellants in these two cases are Police Officers. A Maruti van

was intercepted at Nashik on 10.10.2000 and on search three bundles of

stamp papers were recovered. These stamp papers were later found to be

fake. One of the appellants was Police Inspector and the other appellant

was Police Sub Inspector. The Police Inspector was entrusted with the

task of investigation of this crime and the Police Sub-Inspector helped him

in holding the investigation.

The allegation was that these two officers did not conduct the

investigation properly; panchnama was not truthfully recorded and that the

real accused persons were not implicated in the crime. Later it came to

light that there was large scale manufacture and distribution of fake

stamp papers. Case was registered and the C.B.I. was empowered to investigate the case. These two appellants were also arrested on 8.10.2004

alleging that they too helped some of the accused as they did not take timely action to prevent the commission of serious crimes.

These appellants moved for bail before the High Court and the same was rejected. Meanwhile final report has already been filed by the Investigating Agency before the court. The order declining the bail to the appellants is challenged before us.

We have heard the learned counsel for the appellants and the counsel for CBI.

Counsel for the appellants pointed out that these appellants have not committed any serious crime as contemplated under Section 3 of the Maharashtra Control of Organized Crime Act, 1999 (for short MCOC Act) and at the most, the crime committed by these appellants would come only under the provisions of Section 24 of the Act. It was also pointed out that sanction contemplated under Section 23 of the Act was given by the Assistant Commissioner of Police only in respect of offence punishable

under Section 24 of the Act. This, according to the appellants' counsel,

would show that even according to prosecution the appellants have allegedly committed lesser offence.

Both the appellants have undergone imprisonment for 2 years and 3 months. Having regard to the facts and circumstances of the case, we are of the view that the appellants should be released on bail. The appellants shall be released on bail on furnishing bail bonds for a sum of Rs.50,000/- each (Rupees fifty thousand only) with two sureties for the like amount to the satisfaction of the Special Court, Pune.

The appellants are residents of Nashik and they shall not move out of the jurisdiction of Nashik Police Station without the permission of the trial court till the trial is over. While passing the impugned order the learned judge has made certain observations regarding the offences that might have been committed by the accused. The Trial Court shall decide the case untrammelled by the observations made in the impugned order.

The appeals are disposed of accordingly.

JI.

.....C

(K.G. BALAKRISHNAN)

.....J.

(DALVEER BHANDARI)

.....J.

(D.K. JAIN)

New Delhi,

January 31, 2007.