

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 195/2018
(ARISING FROM SLP (CRL.) NO.6315 OF 2017)

BIKASH MANNA

APPELLANT (S)

VERSUS

THE STATE OF WEST BENGAL

RESPONDENT (S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. Application for impleadment is allowed.

3. The appellant approached this Court, aggrieved by the denial of protection under Section 438(2) of the Cr.P.C. by the High Court in connection with FIR No.261 of 2017 dated 02.04.2017.

4. When the matter came up before this Court on 15.09.2017, this Court passed the following order:-

"The petitioner shall take steps to implead the de-facto complainant. On such an application being filed, notice shall be

issued to the State as well as to the de-facto complainant.

In connection with FIR No. 261 of 2017, registered at Police Station Domjur, Howrah, West Bengal, in case the petitioner is arrested, he shall be released on bail on furnishing a self-bond, subject to the condition that he shall cooperate with the investigation and also subject to the further condition that the petitioner shall deposit a sum of Rs. 10 Lakhs before this Court within six weeks from today. The Registry is directed to keep the abovementioned amount in an interest bearing Fixed Deposit in a nationalised bank, initially for a period of six months, to be renewed from time to time."

5. The de-facto complainant, represented by Mr. Pijush K. Roy, learned counsel, on instruction, submits that the de-facto complainant has no objection if protection under Section 438(2) Cr.P.C. is granted to the appellant, in case he is permitted to withdraw the amount deposited before this Court.

He further submits that he is only interested in getting his money and does not want to prosecute the appellant.

6. Learned counsel for the appellant does not have any objection with regard to the submissions made by the learned counsel for the de-facto complainant.

7. In view of the above circumstances, without going into the various other disputes, we dispose of this appeal as follows:-

i.) The de-facto complainant is permitted to withdraw the amount deposited before this Court pursuant to our order dated 15.09.2017, along with the interest accrued.

ii.) In case the appellant is arrested in connection with FIR No.261 of 2017 registered at Police Station Damjur, Howrah, West Bengal, he shall be released on bail by the Investigating Officer on his executing a bond to the tune of Rs.25,000/- (Rupees Twentyfive Thousand) with two sureties to the like amount. However, this order is subject to the other conditions under Section 438(2) of the Cr.P.C. and the appellant shall cooperate with the investigation.

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

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGODAR]

NEW DELHI;
JANUARY 30, 2018