

VERDICTUM.IN

ITEM NO.3

COURT NO.9

SECTION II-A

**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). 6647/2023

(Arising out of impugned judgment and order dated 28-03-2023 in MCRC No. 50727/2022 passed by the High Court of M.P. Principal Seat at Jabalpur)

RAM SWAROOP PATEL

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

Respondent(s)

WITH

SLP(Crl) No. 6596/2023 (II-A)

(IA No. 104672/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 104669/2023 - EXEMPTION FROM FILING O.T.

IA No. 104666/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 05-10-2023 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY

HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Konark Tyagi, AOR

For Respondent(s) Ms. Mrinal Gopal Elker, AOR

Ms. Nidhi, AOR

Mr. Sarthak Arora, Adv.

Mr. Mohit Girdhar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Konark Tyagi, learned counsel appearing for the petitioners. Also heard Ms. Mrinal Gopal Elker, learned standing counsel for the State of Madhya Pradesh. The informant in the FIR (respondent No. 2) is represented by the learned counsel Ms. Nidhi.

2. The petitioners - Ram Swaroop Patel and Ram Het Patel are

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arrayed as accused in the FIR No. 200 of 2022. Both petitioners were arrested by the Police on 31.03.2022. Thereafter, bail was granted by the High Court to Ram Swaroop Patel on 12.09.2022 and to Ram Het Patel on 27.09.2022.

3. However, the High Court cancelled the bail and one of the ground for cancellation is that when the complainant filed the application for cancellation of bail, the counsel for the accused was not present in Court.

4. Mr. Konark Tyagi, learned counsel submits that on the Court date, the advocates had abstained from Court work on account of the strike called by the State Bar Council of Madhya Pradesh and that is why the petitioners were not represented in Court.

5. The learned counsel for the State on the other hand submits that there are allegations of threat made by the petitioners to the family members of the informant. The learned counsel for the informant in her turn submits that the petitioner Ram Het Patel has not been appearing on each date before the trial court.

6. The above contentions by the respondents are denied by the learned counsel for the petitioner. The counsel for the petitioners would then refer to the nature of the complaint made and further submits that the petitioners have not misused the liberty of bail. It is next submitted that both petitioners will certainly participate in the trial court as 3 of the 23 prosecution witnesses have already been examined.

7. Noting all the circumstances here, the interim order passed by this Court in favour of Ram Swaroop Patel on 23.05.2023 and in favour of Ram Het Patel on 02.06.2023, are made absolute.

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8. It is however made clear that the petitioners must maintain distance from the informant and their family members and if there is any complaint of intimidation by the petitioners, the trial court will be at liberty to take appropriate action against the petitioners. Both petitioners are also expected to diligently participate before the trial court.

9. With the above order, the Special Leave Petitions stand disposed of.

10. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR