

VERDICTUM.IN

ITEM NO.1

COURT NO.4

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 (CrI.) No(s). 4320-4321/2023

(Arising out of impugned final judgment and order dated 20-12-2022 in MCRC No. 53324/2022 17-02-2023 in MCRC No. 1398/2023 passed by the High Court Of M.P Principal Seat At Jabalpur)

DURG VIJAY SINGH **Petitioner(s)**

VERSUS

STATE OF MADHYA PRADESH & ANR. **Respondent(s)**

AND

DURG VIJAY SINGH **Petitioner(s)**

VERSUS

STATE OF MADHYA PRADESH **Respondent(s)**

(IA No. 68745/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 68744/2023 - EXEMPTION FROM FILING O.T.)

Date : 30-05-2023 These matters were called on for hearing today.

CORAM :

**HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
(VACATION BENCH)**

For Petitioner(s) **Mr. Ajay Vikram Singh, AOR
Mrs. Seema Kushwaha, Adv.
Mrs. Priyanka Singh, Adv.
Mr. Swayam, Adv.
Mr. Jitender, Adv.
Mr. Hemant, Adv.
Mr. Omkar, Adv.
Mr. Pankaj, Adv.
Mr. Shubham Singh, Adv.**

For Respondent(s) **Mrinal Gopal Elker, AOR
Ms. Aarushi Gupta, Adv.
Mr. Saurabh Singh, Adv.
Mr. Divyansh Singh, Adv.**

Mr. Anirudh Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the parties.

2. By way of present petitions, the petitioner has challenged the order passed by the High Court on 20.12.2022 in Misc. Criminal Case No.53324/2022 whereby the High Court has allowed the application filed by the complainant and cancelled the anticipatory bail granted to the petitioner. The petitioner has also challenged the subsequent order dated 17.02.2023 passed by the High Court in Misc. Criminal Case No.1398 of 2023 whereby the High Court has rejected the subsequent application filed by the petitioner seeking anticipatory bail.

3. Today, when the matters were being heard, the victim-Siddhi Gupta appeared through video conferencing and requested the Court to permit her to appear in-person. Thereafter, she appeared before the Court and expressed her apprehension that there is a threat to her life from her family members and her brother is following her, and that she apprehends that she will be taken back home forcibly where she does not want to go. According to her, she at present stays at Varanasi and wants to go back to Varanasi, however, she be provided

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protection.

4. Having heard learned counsel for the parties and having gone through the impugned orders passed by the High Court, it appears that the High Court vide the impugned order had cancelled the anticipatory bail granted to the petitioner by observing that the petitioner was not cooperating with the investigation and was not responding to the Investigating Officer despite being called.

5. Having regard to the said observations, we are not inclined to interfere with the impugned orders passed by the High Court.

6. In that view of the matter, it is directed that the petitioner shall surrender to the concerned police station within two days. However, it shall be open for the petitioner to make appropriate application seeking bail as may be permissible under the law and the same shall be decided by the concerned court as expeditiously as possible without being influenced by the observations made in the present order.

7. Since, the victim-Siddhi Gupta has expressed apprehension that there is a threat to her life and that she wants to go back to Varanasi where she stays, it is directed that SHO, Tilak Marg, Police Station, New Delhi shall provide protection to the victim who is at present sitting in the court room

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and shall make necessary arrangements to drop her at Varanasi today itself.

8. Learned advocate Ms. Mrinal Gopal Elkar appearing for the State of Madhya Pradesh states that she would coordinate with the concerned SHO at Tilak Marg Police Station, New Delhi and hand over copy of this order to the concerned officer.

9. Subject to the aforesaid observations and directions, the special leave petitions are dismissed. Pending application(s), if any, shall stand disposed of.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Vidya Negi)
Assistant Registrar