

SUPREME COURT OF INDIA**Bench: Justice B.V. Nagarathna and Justice Augustine George Masih**

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. /2024

(@ SLP (CRL.) NO. 16516/2023)

Date of Decision: 20th February 2024**SHALU ...APPELLANT(S)****VERSUS****STATE (NCT OF DELHI) ...RESPONDENT(S)****Legislation:**

Sections 302, 307, 120-B, and 34 of the Indian Penal Code, 1860

Sections 27, 54, and 59 of the Arms Act, 1959

Subject: Appeal against the rejection of bail by the High Court in a case involving offences under IPC and the Arms Act.**Headnotes:**

Bail Application in Serious Offences – Rejection by High Court and Subsequent Appeal to Supreme Court – Involvement in offences under IPC and Arms Act – FIR No. 77/2019 from Police Station I.P. Estate, Delhi. [Para 1-3]

Duration of Custody and Health Issues – Appellant in custody for over four and a half years and facing health issues – Considered significant in granting bail. [Para 4]

Supreme Court's Decision – Bail granted considering the duration of custody and appellant's health condition – Appellant directed to be produced before the Trial Court for release on bail, subject to conditions imposed for ensuring presence in trial proceedings and not misusing liberty. [Paras 5-6]

Conditions for Bail – Emphasis on cooperation with trial and prohibition against misuse of liberty – Warning that any violation may lead to cancellation of bail. [Para 6]

Referred Cases:None.**ORDER****Leave granted.**

This appeal challenges the judgment and order dated 06.10.2023 passed by the High Court at Delhi at New Delhi in BAIL APPLN No. 1304/2023.

The appellant Shalu has been facing trial in connection with a crime registered pursuant to First Information Report No.77/2019 dated 21.07.2019 lodged with Police Station I.P. Estate, Delhi, in respect of offences punishable under Sections 302, 307, 120-B, and 34 of Indian Penal Code, 1860 (for short "IPC") and Sections 27, 54, and 59 of the Arms Act, 1959.

An application seeking regular bail having been rejected by the High Court vide impugned order dated 06.10.2023, the appellant has preferred the instant appeal.

This Court *vide* its order dated 03.01.2024, issued the notice in the instant matter.

Heard learned counsel for the appellant in support of the appeal and learned counsel for the respondent-State and perused the material on record.

The appellant is in custody for approximately four and half years. It was submitted that the appellant is also ailing.

Considering the facts on record, in our view, the case for bail is made out.

We, therefore, allow this appeal and direct as under:

"The appellant Shalu shall be produced before the concerned Trial Court as early as possible and the Trial Court shall release her on bail, subject to such conditions as it may deem appropriate to impose to ensure her presence in the proceedings arising out of FIR No.77 of 2019 mentioned above."

It is directed that the appellant shall extend complete cooperation in the trial of the instant case. The appellant shall not misuse her liberty in any manner.

Any infraction of the conditions shall entail cancellation of bail granted to the appellant.

With these observations, the appeal is allowed.

Pending application(s), if any, shall stand disposed of.

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