



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2265 OF 2022
(Arising out of SLP (CrI.) No. 9860 of 2021)

RIPU SUDAN BALKISHAN KUNDRA ALIAS RAJ KUNDRA Appellant (s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

WITH

CRIMINAL APPEAL NO. 2266 OF 2022
(Arising out of SLP (CrI.) No. 79 of 2022)

CRIMINAL APPEAL NO. 2267 OF 2022
(Arising out of SLP (CrI.) No. 335 of 2022)

CRIMINAL APPEAL NO. 2268 OF 2022
(Arising out of SLP (CrI.) No. 834 of 2022)

CRIMINAL APPEAL NO. 2269 OF 2022
(Arising out of SLP (CrI.) No. 1989 of 2022)

O R D E R

Leave granted.

Common FIR No.2 of 2020 registered at Nodal Cyber Police Station, Mumbai, has generated applications seeking anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

By the impugned order, in all these cases, anticipatory bail has been denied.

There were orders of interim protection, however, in all these cases throughout.

When these matters came up, we have heard learned counsel including learned senior counsel appearing on behalf

of the appellants.

We have also heard Mr. Aaditya Pande, learned counsel for the State.

Learned counsel for the respondent-State would take the following stand; chargesheet has been filed after investigation. He would submit that in case the Court is inclined to grant anticipatory bail, it must be made clear that the appellants will cooperate in case it becomes necessary.

Having heard learned counsel for the parties, we are of the view that these are cases where the appellants should be released on anticipatory bail. Accordingly, the appeals are allowed. We direct that the appellants will be released on anticipatory bail subject to conditions as may be imposed by the trial Court. We make it a condition that if in case the presence of the appellants are required in future, they shall fully cooperate. We make it clear that the Court will necessarily incorporate this as a condition for grant of anticipatory bail.

The appeals are allowed as above.

....., J.
[K.M. JOSEPH]

....., J.
[B.V. NAGARATHNA]

New Delhi;
December 13, 2022.

ITEM NO.10

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
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No. 9860/2021

(Arising out of impugned final judgment and order dated 25-11-2021 in ABA No. 1926/2021 passed by the High Court of Judicature at Bombay)

RIPU SUDAN BALKISHAN KUNDRA ALIAS RAJ KUNDRA

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(With IA No. 159178/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 159186/2021 - EXEMPTION FROM FILING O.T.)

WITH

SLP(CrI) No. 79/2022 (II-A)

(With IA No. 3343/2022 - APPLICATION FOR PERMISSION and IA No. 1581/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 3344/2022 - EXEMPTION FROM FILING O.T. and IA No. 1582/2022 - EXEMPTION FROM FILING O.T.)

SLP(CrI) No. 335/2022 (II-A)

(With IA No. 6418/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 6425/2022 - EXEMPTION FROM FILING O.T. and IA No. 6422/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(CrI) No. 834/2022 (II-A)

(With IA No. 14130/2022 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 15852/2022 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 14124/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 14125/2022 - EXEMPTION FROM FILING O.T. and IA No. 15850/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(CrI) No. 1989/2022 (II-A)

(With IA No. 31219/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 31220/2022 - EXEMPTION FROM FILING O.T. and IA No. 31221/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 13-12-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For parties

Mr. Nikhil Goel, AOR

Mr. R. Basant, Sr. Adv.
Mr. Shakti Pandey, Adv.
Mr. Prashant Patil, Adv.
Mr. Bhav Arora, Adv.

Mr. Gopal Balwant Sathe, AOR
Mr. Anil Kumar, Adv.
Mr. Karunesh Kumar Shukla, Adv.

Mr. Rohit Dutta, Adv.
Mr. M. K. Ghosh, Adv.
Ms. Tina Garg, AOR
Ms. Ananya Banerjee, Adv.

Mr. Sunil Fernandes, AOR
Mr. Suhail Shariff, Adv.
Ms. Nupur Kumar, Adv.
Ms. Priyansha Sharma, Adv.
Mr. Divyansh Tiwari, Adv.

Mr. Sandeep Bajaj, Adv.
Mr. Soayib Qureshi, AOR
Mr. Aditya Chopra, Adv.
Mr. Vipul Jai, Adv.
Ms. Aditi Pundhir, Adv.

Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Bharat Bagla, Adv.
Ms. Kirti Dadheech, Adv.

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

Leave granted.

The appeals are allowed in terms of the signed order
concluding as follows:

"Having heard learned counsel for the parties,
we are of the view that these are cases where the
appellants should be released on anticipatory bail.

Accordingly, the appeals are allowed. We direct that the appellants will be released on anticipatory bail subject to conditions as may be imposed by the trial Court. We make it a condition that if in case the presence of the appellants are required in future, they shall fully cooperate. We make it clear that the Court will necessarily incorporate this as a condition for grant of anticipatory bail.

The appeals are allowed as above.”

Pending applications stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file.]