

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2024
(Arising out of SLP(CrI.) No. 1960 of 2022)

THE STATE OF JHARKHAND

Appellant(s)

VERSUS

MD. SUFIYAN

Respondent(s)

O R D E R

1. Leave granted.
2. We find that the approach adopted by the learned Single Judge of the High Court of Jharkhand at Ranchi in passing the impugned judgment and order dated 15th June, 2021 is totally against the well laid down principles of law. PS Case No. 96 of 2020 has been registered against the respondent-accused under Sections 341, 354B, 504, 506, 509 of the Indian Penal Code, Section 8 of POCSO Act, and Section 66E, 67 of the I.T. Act.
3. The allegations against the respondent are that he had outraged the modesty of the first informant and made an indecent video viral on

social media.

4. It appears that the respondent (petitioner before the High Court) has made a statement that he was willing to cooperate with the investigation of the case and also undertook to pay Rs. 1,00,000/- (Rupees One Lakh Only) as ad interim victim compensation to the informant without prejudice to his defence.

5. The High Court unilaterally accepted the statement and directed the respondent herein (original petitioner) to deposit such an amount as ad interim compensation to the victim as a ground for grant of anticipatory bail to the respondent.

6. The factors on which anticipatory bail could be granted are very well crystallized in a catena of judgments of this Court. Leave aside the discussion of such factors, not even a whisper as to on what grounds anticipatory bail was being allowed were considered by the High Court. Merely because the accused is willing to pay some amount as an interim compensation cannot be a ground for grant of anticipatory bail.

7. We, therefore, find that the view taken by

the High Court is not sustainable in law.

8. However, in the facts and circumstances of the present case, we find that since the trial is commenced and the first informant is reported to have accepted the amount of Rs.1,00,000/- (Rupees One Lakh Only) deposited by the respondent, we are not inclined to interfere with the impugned judgment and order.

9. However, the concerned Registrar (Judicial) of this Court is directed to communicate this Order to the Registrar (Judicial) of the High Court of Jharkhand at Ranchi, who shall place the same before Hon'ble the Chief Justice of the said High Court for appropriate directions.

10. The appeal is, according, disposed of.

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

.....J
(B.R. GAVAI)

.....J
(SANDEEP MEHTA)

New Delhi
January 16, 2024

ITEM NO.50

COURT NO.3

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(s). 1960/2022

(Arising out of impugned final judgment and order dated 15-06-2021 in ABA No. 2633/2021 passed by the High Court of Jharkhand at Ranchi)

THE STATE OF JHARKHAND

Petitioner(s)

VERSUS

MD. SUFIYAN

Respondent(s)

(IA No. 30439/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 30440/2022 - EXEMPTION FROM FILING O.T.)

Date : 16-01-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s)

Mr. Jayant Mohan, AOR
Mr. Kumar Anurag Singh, Adv.
Ms. Adya Shree Dutta, Adv.

For Respondent(s)

Mr. Sureshan P., AOR
Mr. Shivam Yadav, Adv.
Mr. Deepak Joshi, Adv.

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

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.
3. Pending application(s), if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)

[Signed order is placed on the file]