

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2023  
(Arising out of SLP (CrI) No.10810 of 2023)

THE STATE OF JHARKHAND

Appellant(s)

**VERSUS**

DHANANJAY GUPTA @ DHANANJAY PRASAD GUPTA

Respondent(s)

**O R D E R**

Leave granted.

2. This appeal the State is directed against the order dated 12.01.2023 passed by the High Court of Jharkhand at Ranchi in B.A. No.12508 of 2022. The respondent-herein is accused No.23 in F.I.R. No.92 dated 26.08.2022 registered at Police Station Sindri, District-Dhanbad alleging commission of offences under Sections 147, 148, 149, 241, 323, 307, 353, 332, 333, 337, 393, 448, 427, 506 and 120-B of the Indian Penal Code, 1860 (I.P.C.) and under Section 27 of the Arms Act. The respondent was arrested in connection with the aforesaid crime on 28.08.2023 and his bail application was granted on 12.01.2023.

3. Heard learned standing counsel for the State of Jharkhand as also the learned counsel for the respondent.

4. The reasons that persuaded the High Court for granting bail to the respondent have been stated in paragraph-4 of the of the impugned order reads, thus:-

*"4. Innocence has been claimed by the learned counsel for the applicant and undertaking has been given for participation in the trial. Further, it has been submitted that no overt act has been alleged against this applicant. Investigation is complete. On the above basis, prayer for bail has been made."*

5. When the offences alleged, *inter alia*, includes one under Section 307, IPC and the accused concerned is so arraigned with the aid of Section 149, IPC, such submissions, reflected in paragraph or the mere factum of completion of investigation by itself, cannot be the reason(s) for grant of bail without due consideration of the relevant aspects. At any rate, mere claim of innocence or undertaking to participate in the trial or contention of absence of specific allegation of any overt act cannot, in such circumstances, be assigned as reasons for grant of bail in a case of serious nature. We are of the considered view that in such circumstances, impugned order deserves to be set aside and the matter is liable to be remanded to the High Court for fresh consideration in accordance with law. In that view of the matter, the impugned order dated 12.01.2023 passed by the High Court in B.A. No.12508 of 2022 stands set aside and the matter is remanded back to the High Court for fresh consideration in accordance with law. The application which culminated in the impugned order is restored into the file in its original number to facilitate such consideration. We make it clear that we have not made any observation touching the merits.

6. The Criminal Appeal is disposed of, as above.

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

....., J.  
(C.T. RAVIKUMAR)

....., J.  
(SANJAY KUMAR)

NEW DELHI;  
NOVEMBER 07, 2023.

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 (Cr1.) No.10810/2023

(Arising out of impugned final judgment and order dated 12-01-2023 in BA No. 12508/2022 passed by the High Court of Jharkhand at Ranchi)

THE STATE OF JHARKHAND

Petitioner(s)

VERSUS

DHANANJAY GUPTA @ DHANANJAY PRASAD GUPTA

Respondent(s)

(IA No. 159317/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 159318/2023 - EXEMPTION FROM FILING O.T.)

Date : 07-11-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR  
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Ms. Pragya Baghel, Adv.  
Mr. Jayant Mohan, AOR  
Ms. Adya Shree Dutta, Adv.

For Respondent(s) Mr. Rajan Raj, Adv.  
Ms. Mohini Priya, AOR

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

1. Leave granted.
2. The Criminal Appeal is disposed of in terms of the Signed Order placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(VIJAY KUMAR)  
COURT MASTER (SH)

(MATHEW ABRAHAM)  
COURT MASTER (NSH)