

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO. OF 2024
(@ Special Leave Petition (Crl.) No. 10003/2024)

VIKRAM JAGDISH SHETE

...APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

...RESPONDENT(S)

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 25.06.2024 passed by the High Court of Judicature at Bombay, in Criminal Appeal No. 326 of 2024.

The appellant Vikram Jagdish Shete has been facing trial in connection with a crime registered pursuant to First Information Report No. 444 of 2023 dated 01.08.2023 lodged with Police Station Powai, District Brahan Mumbai City, in respect of offences punishable under Section 302, read with Section 34, of the Indian Penal Code, 1860, and Sections 3(2), (5), (6) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

An appeal seeking regular bail having been rejected by the High Court vide impugned order dated 25.06.2024, the appellant has preferred the instant appeal.

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This Court, vide its order dated 01.08.2024, issued notice in the instant matter.

Heard learned counsel for the appellant and learned counsel for the respondent(s)/State and perused the material on record. The appellant has been in custody for approximately one year and two months.

Learned counsel for the appellant submitted that the appellant herein is not named in the FIR; that no overt act is also attributed to the appellant; that the use of Knife against the deceased is attributed to Sandeep Birare and not the appellant; that the appellant is only 23 years of age. In the circumstances, his incarceration since 01.08.2023 is improper. He further submitted that Charge-sheet was filed on 31.10.2023 and he has been in jail since 01.08.2023. Therefore, this is a fit case where relief may be granted to the appellant by setting aside the order of the High Court which has sustained the order of the Sessions Court.

Per contra, learned counsel for the respondent(s)/State with reference to his counter affidavit submitted that even though the appellant is not named in the FIR, the fact remains that he is named in the Charge-sheet and the appellant is the person who procured the knife and instigated Sandeep Birare to commit the overt act against the deceased; that the appellant

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is also equally liable as Sandeep Birare having regard to the fact that the offences are under Section 302 read with Section 34 of the Indian Penal Code, 1860 as well as other offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. He therefore, submitted that this is not a fit case for grant of relief to the appellant herein particularly when there are only eleven witnesses and five eye-witnesses and the trial could be completed expeditiously; that the appellant also has a criminal antecedent.

We have considered the submissions advanced at the Bar. We find that having regard to the fact that the Charge-sheet has been filed on 31.10.2023 and while the appellant has been named in the Charge-sheet, he is not named originally in the FIR. Further, he is in jail since 01.08.2023. Although, there are only eleven witnesses to be examined, the fact remains that there is no overt act attributed to the appellant and the Charge Sheet has also been filed on 31.10.2023 wherein the appellant has been named.

In the circumstances, we find that the appellant has made out a case for grant of bail.

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

"The appellant Vikram Jagdish Shete shall be produced

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before the concerned trial Court as early as possible and the trial Court shall release him on bail, subject to such conditions as it may deem appropriate to impose to ensure his presence in the proceedings arising out of FIR No. 444 of 2023 mentioned above."

It is directed that the appellant shall extend complete cooperation in the trial of the instant case. The appellant shall not misuse his 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.

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

.....J.
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI
OCTOBER 03, 2024

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 (Crl.) No(s). 10003/2024

(Arising out of impugned final judgment and order dated 25-06-2024 in CRLA No. 326/2024 passed by the High Court Of Judicature at Bombay)

VIKRAM JAGDISH SHETE

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

(IA No.162503/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.162501/2024-EXEMPTION FROM FILING O.T.)

Date : 03-10-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Yuvaraj Baburao Gaikwad, Adv.
Dr. Sunil Baliram Gaikwad, Adv.
Mr. Dnyaneshwar N Telange, Adv.
Ms. Suja Joshi, Adv.
Mr. Shubham Kumar Pandey, Adv.
Mr. A. Srinivas Rao, Adv.
Ms. T. Geetha, Adv.
Mr. Mohit Chauhan, Adv.
Mr. Vairawan A.S, AOR

For Respondent(s) Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Sourav Singh, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The present Appeal is allowed in terms of the
signed order.

It is directed that the appellant Vikram Jagdish
Shete shall be produced before the concerned trial

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Court as early as possible and the trial Court shall release him on bail, subject to such conditions as it may deem appropriate to impose to ensure his presence in the proceedings arising out of FIR No. 444 of 2023.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)

(signed order is placed on the file)