

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2023
(ARISING OUT OF SLP (CRIMINAL) NO. 5312 OF 2023)

BHAGWAN DAS

APPELLANT

VERSUS

THE STATE OF RAJASTHAN & ANR.

RESPONDENTS

O R D E R

Leave granted.

Heard Mr. Namit Saxena, the learned counsel appearing for the appellant. Also heard Mr. Vishal Meghwal, learned counsel appearing for State of Rajasthan. The complainant (respondent No. 2) is represented by Mr. Rishi Kapoor, the learned counsel.

Adverting to the impugned order dated 17.03.2023, the appellant's counsel would point out that because the lawyers had abstained from work on that day, there was no representation from the appellant's side and accordingly on the basis of the submission made by the learned Public Prosecutor and the formal submission of the brother of the accused, who was made to appear in the absence of the lawyer, bail prayed for by the appellant was rejected. It is further pointed out that the appellant is in custody since 31.01.2022 and although chargesheet is filed, the trial of the case is yet to commence.

Considering the circumstances and more particularly the fact that the appellant was not represented by his counsel on 17.03.2023, we deem it appropriate to remand the matter so that the

High Court can hear the appellant's counsel and then pass appropriate orders. The impugned order dated 17.03.2023 is accordingly set aside and the S.B. Criminal Miscellaneous Bail Application No. 10826 of 2022 is restored and ordered to be considered again by the Jaipur Bench of the Rajasthan High Court.

With the above, the appeal stands disposed of.

Pending application(s), if any, shall stand closed.

.....J.
(HRISHIKESH ROY)

.....J.
(PANKAJ MITHAL)

NEW DELHI;
AUGUST 02, 2023.

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). 5312/2023

(Arising out of impugned judgment and order dated 17-03-2023 in SBCRMBA No. 10826/2022 passed by the High Court of Judicature for Rajasthan at Jaipur)

BHAGWAN DAS

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.85227/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.85224/2023-EXEMPTION FROM FILING O.T.)

Date : 02-08-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Namit Saxena, AOR
Mr. Awnish Maithani, Adv.
Mr. Shivam Raghuwanshi, Adv.

For Respondent(s) Mr. Vishal Meghwal, Adv.

Mr. Rishi Kapoor, Adv.
Mr. Ronak Karanpuria, AOR

Mr. Milind Kumar, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted

The appeal stands disposed of in terms of the signed order.

The operative part of the order reads as under:

“Considering the circumstances and more particularly the fact that the appellant was not represented by his counsel on 17.03.2023, we deem it appropriate to remand the matter so that the High Court can hear the appellant’s counsel and then pass appropriate orders.

The impugned order dated 17.03.2023 is accordingly set aside and the S.B. Criminal Miscellaneous Bail Application No. 10826 of 2022 is restored and ordered to be considered again by the Jaipur Bench of the Rajasthan High Court."

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR

(Signed order is placed on the file)