



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 644/2024
(@ SLP(CrI.)No. 10689/2023)

KOYLI DEVI & ANR.

APPELLANT(S)

VERSUS

THE STATE OF RAJASTHAN

RESPONDENT(S)

O R D E R

Leave granted.

2. The two women appellants before us apprehending their arrest at the hands of police in connection with the First Information Report No. 59/2023, registered at Police Station Khetri, District Jhunjhunu, Rajasthan, for the offence punishable under Sections 143, 332, 353, 506, 336, 427 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act, 1984 prayed for anticipatory bail before the Sessions Court.

3. The Sessions Court declined to grant them anticipatory bail. The High Court also declined and that is how they are here before this Court.

4. It is the case of the prosecution that on the date of the alleged incident, the Government officials had undertaken a demolition drive to remove the encroachment. While the demolition drive was in progress, a mob of people from that locality including the two women appellants before us are alleged to have pelted stones on the JCB machines and obstructed the Government officials from discharging their duties.

5. The matter was first taken up for hearing on 25.08.2023 and on that date notice was issued and interim protection was also granted to the two appellants.

6. Having heard the learned counsel appearing for the parties and having gone through the materials on record, we are persuaded to exercise our discretion in favour of the two appellants, keeping in mind that both the appellants are women and hail from an underprivileged class of society.

7. In such circumstances, we allow this appeal. The impugned order passed by the High Court is set aside. We direct both the appellants to appear before the Investigating Officer within a period of one week from today.

8. We further direct that in the event of arrest of the appellants, they shall be released on bail on both furnishing personal bonds of Rs.5,000/- each, with two sureties in the like amount to the satisfaction of the arresting officer.

9. It is needless to clarify that the appellants shall cooperate with the investigation and appear before the Trial Court on the dates of hearing.

....., J.
[J. B. PARDIWALA]

....., J.
[SANDEEP MEHTA]

NEW DELHI;
06TH FEBRUARY, 2024

ITEM NO.1

COURT NO.17

SECTION II

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

Criminal Appeal No(s). 644/2024 @ SLP(Cr1.) 10689/2023

(Against the impugned final judgment and order dated 18.05.2023 passed by the Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur, in S.B.Criminal Misc. Bail Application no. 3572/2023)

KOYLI DEVI & ANR.

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

Date : 06-02-2024 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Appellant(s) Mr. Yadav Narender Singh, AOR
Mr. Manu Prakash Upadhaya, Adv.
Mr. Jagdish Parshad, Adv.
Mr. Mayank Kumar Singh, Adv.

For Respondent(s) Mr. Rahul Kumar, Adv.
Ms. Kavita Bhardwaj, Adv.
Mr. Shubham Sethi, Adv.
Mr. Vishesh Kumar, Adv.
Ms. Pragati Neekhra, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

The impugned order passed by the High Court is set aside. We direct both the appellants to appear before the Investigating Officer within a period of one week from today.

We further direct that in the event of arrest of the appellants, they shall be released on bail on both furnishing personal bonds of Rs.5,000/- each, with two sureties in the like amount to the satisfaction of the arresting officer.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(RAM SUBHAG SINGH)
COURT MASTER (NSH)

(Signed order is placed on the file)