



IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO ... OF 2024
[arising out of SLP (Crl.) No. 5916/2024]

U. N GUPTA @ UDHAV NARAYAN GUPTA & ORS.

Appellant(s)

VERSUS

THE STATE OF BIHAR & ANR.

Respondent(s)

O R D E R

Leave granted.

2. The order dated 29.02.2024 of the High Court, impugned in this appeal, after noticing that the dispute between the complainant and the accused is civil in nature grants pre-arrest bail to the appellants on multiple conditions. One of such conditions, imposed on the basis of the submission advanced before the High Court by the appellants, requires them to deposit 25% of Rs.20,00,000 (Rupees twenty lakhs only) before the District Court.

3. The direction for deposit is in the teeth of a plethora of decisions of this Court. We can profitably refer to a few of them, viz. Ramesh Kumar vs. State (NCT of Delhi)¹; St. George Dsouza vs. State (NCT of Delhi)² and Dilip Singh vs. State of M.P. & Anr.³.

4. Learned counsel appearing for the respondent no.2-complainant submits that since the High Court was invited by the appellants to impose a condition for depositing 25% of Rs.20,00,000 (Rupees

¹(2023) 7 SCC 461

²(2023) SCC OnLine SC 1940

³(2021) 2 SCC 779

twenty lakhs only), the impugned order does not merit interference.

5. The High Court, in our considered view, ought to have examined the question of grant of bail without being swayed by the submission on behalf of the appellants. Having regard to the settled principles of law laid down in the decisions referred to above, *inter alia*, to the effect that the courts, exercising jurisdiction to grant bail/pre-arrest bail, are not expected to act as recovery agents for realization of dues of the complainant from the accused, the High Court ought to have independently apply its mind and arrive at a conclusion as to whether a case for grant of bail had been made out or not on settled parameters, irrespective of whatever submission had been advanced on behalf of the appellants.

6. For the reasons stated above, we accept the appeal and set aside the order dated 29.02.2024. Criminal Miscellaneous No. 61407 of 2023 shall stand revived on the file of the High Court for being decided afresh in accordance with law.

7. To avoid delay, the parties shall appear before the Bench having jurisdiction to hear the said criminal miscellaneous application on 21.08.2024. Till such time the application is decided afresh, no coercive steps against the appellants shall be taken.

8 The appeal is allowed on the aforesaid terms.

9. We clarify that observations made in this order shall not be treated as expression of opinion on the merits of the appellants' claim for bail.

10. Pending application(s), if any, stand disposed.

.....J.
(DIPANKAR DATTA)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi;
July 22, 2024.

ITEM NO.12

COURT NO.11

SECTION II-A

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Special Leave to Appeal (Crl.) No(s). 5916/2024

**(Arising out of impugned final judgment and order dated 29-02-2024
in CRM No. 61407/2023 passed by the High Court of Judicature t
Patna)**

U. N GUPTA @ UDHAV NARAYAN GUPTA & ORS.

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ANR.

Respondent(s)

IA No. 101104/2024 - EXEMPTION FROM FILING O.T.

Date : 22-07-2024 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH**

**For Petitioner(s) Mr. Shantanu Sagar, AOR
Mr. Prabhat Ranjan Raj, Adv.
Mr. Anil Kumar, Adv.
Mr. Gunjesh Ranjan, Adv.
Mr. Vaibhav Jain, Adv.
Mr. Manoneet Dwivedi, Adv.**

**For Respondent(s) Mr. Azmat Hayat Amanullah, AOR
Ms. Neha Buttan, Adv.
Ms. Rebecca Mishra, Adv.
Ms. Nitya Sharma, Adv.
Mr. Ashish Kumar Patel, Adv.
Ms. Khushboo Takyar, Adv.
Mr. Siddharth Bhardwaj, Adv.
Ms. Yukta Garg, Adv.
Mr. Ravish Kumar Sinha, Adv.

Mr. Kumar Parimal, Adv.
Mr. Smarhar Singh, AOR**

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

Leave granted.

VERDICTUM.IN

5

The appeal is allowed in terms of the signed order.

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

(JATINDER KAUR)
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)

[Signed order is placed on the file]