



Bail - Judicial custody - During the entire period of investigations which appear to have been spread over seven months, the appellant was not arrested by the investigating officer - Court ought to have judiciously exercised discretion and granted bail to the appellant

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[bail](#) - Judicial custody - Grant of - During the entire period of investigations which appear to have been spread over seven months, the appellant was not arrested by the investigating officer - Even when the appellant apprehended that he might be arrested after the [charge sheet](#) was filed against him, he was not arrested for a considerable period of time - When he approached the High Court for [quashing](#) the [fir](#) lodged against him, he was granted two months time to appear before the trial judge - All these facts are an indication that there was no apprehension that the appellant would abscond or would hamper the trial in any manner - That being the case, the trial judge, as well as the High Court ought to have judiciously exercised discretion and granted bail to the appellant - It is nobody's case that the appellant is a shady character and there is nothing on record to indicate that the appellant had earlier been involved in any unacceptable activity, let alone any alleged illegal activity - Indian Penal Code, Sections 419, 420, 406 and 506 - Code of Criminal Procedure, 1973, Section 436, 436A .

Facts: Allegation of cheating for an amount exceeding Rs.37 lakhs - Charge sheet filed on 15th August, [2016](#) - 7th February, 2017 the High Court granted two months time to the appellant to appear before the trial judge which was extended by 2 months - 24th April, 2017 the appellant appeared before trial judge and was taken into judicial custody - Bail application moved by the appellant was rejected by the trial judge as well as by the High Court - Appeal before Supreme court.

[\(2018\)1 SCeJ 234, 2018 PLRonline 4502](#)

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