

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.

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