

ITEM NO.31 Court 14 (Video Conferencing) SECTION II-C

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

Petition(s) for Special Leave to Appeal (CrI.) No(s). 4123/2021

(Arising out of impugned final judgment and order dated 24-05-2021 in WP No. 2910/2021 passed by the High Court Of Karnataka At Bengaluru)

VISHWANATH BIRADAR

Petitioner(s)

VERSUS

DEEPIKA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.66560/2021-EXEMPTION FROM FILING O.T. and IA No.66561/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-06-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN
(VACATION BENCH)

For Petitioner(s) Mr. Senthil Jagadeesan, AOR
Ms. Mrinal Kanwar, Adv.
Ms. Sonakshi Malhan, Adv.

For Respondent(s) Caveator-in-Person

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

The present Special Leave Petition is directed against an order passed by the High Court of Karnataka on 24.05.2021, whereby the anticipatory bail granted to the petitioner by VI Additional District and Sessions Judge, Dakshina Kannada, Mangaluru was quashed for the offences under Section 323 and Section 376 of IPC. The investigations were transferred to Corps of Detectives (COD) and that the Investigation Agency was directed to submit a final report not later than four months from the date of the order.

There is another direction issued by the High Court which reads as under:

"The Investigating Officer is directed to take the accused into custody and produce him before the concerned jurisdictional Court."

We find that such direction to take the accused into custody is to beyond the jurisdiction of the High Court. Whether an accused is liable to be arrested is based upon the decision of the Investigating Officer depending upon the material collected during the investigation which may be conducted in a particular crime. It is for the Investigation Agency to whom the investigation has been entrusted to take a call as to when the petitioner is to be arrested. Therefore, the condition No.3 in the impugned order dated 24.05.2021 is set aside and quashed.

With the above observations and directions, the Special Leave Petition is disposed of. It is open to the Investigating Officer to take a call as to when the petitioner is to be arrested or he is not to be arrested.

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

(JAGDISH KUMAR)
COURT MASTER (SH)

(NISHA TRIPATHI)
BRANCH OFFICER