

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____ OF 2025
[arising out of SLP (Cri.) No.15402-15403/2024]**

APRUVA KIRTI MEHTA

APPELLANT

VERSUS

THE STATE OF MAHARASHTRA

RESPONDENT

ORDER

1. Leave granted.
2. The order dated 19th September, 2024 of the High Court of Bombay is impugned in this appeal whereby Criminal Application No.316 of 2024 and Criminal Application No.317 of 2024, presented by the appellant, were dismissed by it. However, the appellant was granted two weeks' time to surrender.
3. The appellant was granted bail by the Sessions Judge *vide* order dated 19th May, 2023. It was noted in the order that charge-sheet under Section 173(2), Code of Criminal Procedure, 1973 had been filed upon completion of investigation and that there was no sufficient reason to reject the application for bail. However, since the appellant had shown readiness to deposit Rs.40,00,000/-, the prayer for bail was granted on condition of payment of such sum. The appellant was directed to pay a sum of Rs.10,00,000/- at the time of getting released on bail and the remaining sum of Rs.30,00,000/- in six installments.
4. The appellant initially paid Rs.10,00,000/- but the

remaining sum of Rs.30,00,000/- could not be arranged by him and hence, he defaulted. This led the appellant to apply for modification of the condition requiring him to make payment of the sum of Rs.30,00,000/-; however, such application was dismissed by the Sessions Judge on 29th August, 2023. Criminal Application No.316 of 2024 was directed against such order seeking modification of the specific condition imposed by the Sessions Judge in his order dated 19th May, 2023 requiring payment to be made as a condition for grant of bail.

5. We also find that upon the appellant's default to make payment, as directed *vide* order dated 19th May, 2023, the complainant had approached the Sessions Judge with a prayer for cancellation of bail. *Vide* order dated 29th June, 2024, the bail granted to the appellant was cancelled. Criminal Application No. 317 of 2024 was moved by the appellant challenging the said order dated 29th June, 2024.

6. The High Court while proceeding to dismiss the applications was of the opinion that the appellant had volunteered to make payment of Rs.40,00,000/- and the Sessions Judge granted the prayer for bail "taking into account the voluntary statement made on his behalf".

7. The High Court does not seem to be entirely correct in its understanding of the order of the Sessions Judge dated 19th May, 2023. No doubt the appellant had made a voluntary statement to make payment but that was not the sole reason

which weighed in the mind of the Sessions Judge to grant bail; on the contrary, the observations made in paragraph 5 by the Sessions Judge is a clear pointer that there was no sufficient reason to keep the appellant under detention having regard to completion of the investigation and filing of the charge-sheet.

8. That apart, the direction for payment was 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. Having regard to the principles of law laid down in the said decisions, *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 should have independently applied its mind and arrived at a conclusion as to whether a case for grant of bail, on settled parameters, had been made out or not irrespective of whatever statement was made on behalf of the appellant before the Sessions Judge.

9. For the reasons stated above, we accept the appeal and set aside the order dated 19th September, 2024. Criminal Application No.316 and Criminal Application No.317 of 2024 shall stand revived on the file of the High Court for being decided afresh in accordance with law.

10. To avoid delay, the parties shall appear before the roster

¹ (2023) 7 SCC 461

² (2023) SCC OnLine SC 1940

³ (2021) 2 SCC 779

Bench of the High Court having jurisdiction to hear the said criminal applications on 07th March, 2025. Till such time the applications are decided afresh, no coercive step against the appellant shall be taken.

11. The appeals are allowed on the aforesaid terms. Pending application(s), if any, stand disposed of.

12. We clarify that the observations made in this order are for the purpose of disposal of these appeals and may not be treated as expression of opinion on the merits of the appellant's claim.

.....J.
(DIPANKAR DATTA)

.....J.
(MANMOHAN)

**New Delhi;
January 31, 2025.**

ITEM NO.5

COURT NO.14

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

Petition(s) for Special Leave to Appeal (Crl.) Nos.15402-15403/2024

[Arising out of impugned final judgment and order dated 19-09-2024 in CRLA No.316/2024 and in CRLA No.317/2024 passed by the High Court of Judicature at Bombay]

APRUVA KIRTI MEHTA

Petitioner

VERSUS

THE STATE OF MAHARASHTRA

Respondent

(FOR ADMISSION and I.R.; I.A. No.239828/2024-EXEMPTION FROM FILING O.T., I.A. No.239821/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, I.A. No.239828/2024-EXEMPTION FROM FILING O.T. and I.A. No.239821/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 31-01-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s): Mr. Varun Varma, Adv.
Mr. Dilip Shukla, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Sameer Bhardwaj, Adv.
Mr. Ramesh Kumar Singh, Adv.
Mr. Sandeep Singh Dhingra, Adv.
Mr. Ishank Ranjan, Adv.
Mr. Shubham Rajhans, Adv.
Ms. Mukti Chowdhary, AOR

For Respondent(s): Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Marmik Shah, Adv.
Ms. Anna Oommen, Adv.
Mr. Abdulla Naseeh V. T., AOR

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

1. Leave granted.
2. The criminal appeals are allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

**(RASHMI DHYANI PANT)
ASST. REGISTRAR-CUM-PS**

**(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)
(signed order is placed on the file)**