

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1078 OF 2021

(Arising out of SLP (Criminal) No.7332 of 2021

Arising out of Diary No.16399 of 2019)

RAKESH KUMAR

Appellant

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondents

**O R D E R**

Leave granted.

This appeal challenges the order dated 06.12.2018 passed by the High Court of Judicature at Allahabad in Criminal Misc. Writ Petition No.35460 of 2018.

While issuing notice on 21.10.2019, following order was passed by this Court:

"Initially a petition under Article 226 of the Constitution was moved challenging the sanction order. The challenge did not meet with any success.

Thereafter, present writ petition was moved submitting *inter alia* that the proceedings initiated vide FIR No.1470 of 2016 under Sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, registered with Police Station Kotwali Mau, District Mau, be quashed.

The prayer having been rejected, the present special leave petition has been filed.

Since the sanction has already been issued, normally the investigation in the matter must be complete by then.

In the circumstances, we issue notice to the respondent State confined to the question whether the petitioner is required to be arrested in connection with the aforesaid crime or not.

Let notice be made returnable on 25.11.2019.

Dasti service, in addition, is permitted.

Liberty is granted to serve the learned Standing Counsel for the State."

Mr. Pardeep Misra, learned Advocate appearing for the State submits that non-bailable warrants were issued against the appellant. It is however accepted that the investigation into the crime is complete.

In the circumstances, it is directed:

- a) The appellant shall present himself before the concerned Trial Court within seven days from today with advance notice to the Public Prosecutor.
- b) The Trial Court shall release the appellant on bail, subject to such conditions as the Trial Court may deem appropriate to impose to ensure his presence and participation in the ensuing proceedings before the Trial Court.

With these observations, the appeal is allowed.

.....J.  
(UDAY UMESH LALIT)

.....J.  
(S. RAVINDRA BHAT)

New Delhi,  
September 24, 2021