

[2023 LiveLaw \(SC\) 373](#)

IN THE SUPREME COURT OF INDIA

**B.R. GAVAI; J., VIKRAM NATH; J., SANJAY KAROL; J.**

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3561/2023; 27-04-2023

**SUMIT SUBHASCHANDRA GANGWAL & ANR. versus THE STATE OF MAHARASHTRA & ANR.**

**Code of Criminal Procedure, 1973; Section 438 - Anticipatory Bail - Detailed elaboration of evidence has to be avoided at the stage of grant / rejection of bail / anticipatory bail. We do not appreciate such a lengthy elaboration of evidence at this stage - In the matters pertaining to liberty of citizens, the Court should act promptly - An inordinate delay in passing an order pertaining to liberty of a citizen is not in tune with the constitutional mandate.**

(Arising out of impugned final judgment and order dated 01-03-2023 in CRLA No. 180/2022 passed by the High Court of Judicature at Bombay at Aurangabad)

*For Petitioner(s) Mr. Atul Babasaheb Dakh, AOR Mr. Diganta Gogoi, Adv. Mr. Bitu Kumar Singh, Adv.*

*For Respondent(s) Mr. Mahesh Prakash Shinde, Adv. Mr. Vatsalya Vigya, AOR Ms. Sonakshi, Adv. Mr. Matrugupta Mishra, Adv. Mr. Aaditya Aniruddha Pande, AOR Mr. Siddharth Dharmadhikari, Adv. Mr. Bharat Bagla, Adv. Mr. Sourav Singh, Adv.*

**ORDER**

1. Vide order dated 24.03.2023, we had granted ad interim protection to the petitioner.
2. While granting ad interim protection the three factors weighed with us, those were:-
  - (i) That it was a cross case arising out of civil dispute.
  - (ii) Prima facie there was no material to show that the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, were invoked.
  - (iii) That the incident was alleged to have been taken place on 17.02.2022 and the FIR was lodged on 23.02.2022, as such there was a delay of six days in lodging the FIR.
3. We have heard Shri Atul Babasaheb Dakh, learned counsel for the petitioner and Shri Aaditya Aniruddha Pande, learned counsel for the respondent/State.
4. Shri Pande, learned counsel, vehemently opposes the petition.
5. However, as stated hereinabove, we, prima facie, find that the petitioner's custodial interrogation would not be necessary for the offences alleged with.
6. One more factor that needs to be noted is that the High Court, by an order running into 13 pages, has rejected the application. This Court has consistently right from the case of **Niranjan Singh and Another v. Prabhakar Rajaram Kharote and Others**, (1980) 2 SCC 559, held that detailed elaboration of evidence has to be avoided at the stage of grant/rejection of bail/anticipatory bail. We do not appreciate such a lengthy elaboration of evidence at this stage.
7. Another factor that needs to be noted is that though the order was reserved on 25.01.2023, the learned Single Judge of the High Court has pronounced the order on 01.03.2023 i.e. after a period of one month and one week.
8. It is always said that in the matters pertaining to liberty of citizens, the Court should act promptly. In our view, such an inordinate delay in passing an order pertaining to liberty of a citizen is not in tune with the constitutional mandate.
9. Therefore, we are inclined to allow this petition.

10. The order dated 24.03.2023, passed by this Court, is made absolute. Needless to state that the petitioner shall cooperate with the investigation and report to I.O. as and when directed by him/her.
11. The special leave petition is, accordingly, disposed of.
12. Pending application(s), if any, shall stand disposed of.

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