

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

**CRIMINAL APPEAL NO.1006 OF 2019  
(Arising out of SLP(CrI.) No.1530 of 2018)**

**KAMLESH & ANR.**

**APPELLANT(S)**

**VERSUS**

**THE STATE OF RAJASTHAN & ANR.**

**RESPONDENT(S)**

**O R D E R**

Leave granted.

Heard learned counsel for the parties.

This appeal has been filed against an order dated 05.02.2018 passed by the High Court of Rajasthan at Jodhpur in S.B. Criminal Misc. Bail No.9977/2017.

The appellants are mother-in-law and father-in-law of the complainant. The appellants were accused in FIR No.269/2016. The High Court vide order dated 05.02.2018 rejected the application for anticipatory bail only on the ground that petition under Section 482 Cr.P.C., praying for quashing of FIR, has already been rejected.

We are of the view that the order of the High Court cannot be sustained. High Court ought to have considered the application on merits. The fact that petition under Section 482 Cr.P.C. was dismissed for quashing was not conclusive and could not be the reason for rejecting the application. The husband of the complainant has already

filed special leave petition in which notice has been issued, which is pending in this Court. This Court had passed an order on 23.02.2018 not to arrest the appellants subject to their cooperation with the investigation.

Learned counsel for the State submits that the appellants are not cooperating with the investigation which statement is denied by the counsel for the appellants. Counsel for the appellants submits that appellants presented themselves before the Investigating Officer more than once and they are ready to appear as and when called by a notice.

In above view of the matter, we dispose of this appeal providing that the appellants shall cooperate with the investigation and appear as and when they are called by a written notice. However, appellants shall not be arrested during investigation. The interim protection granted by this Court is confirmed.

Appeal is, accordingly, disposed of.

.....J.  
(ASHOK BHUSHAN)

.....J.  
(NAVIN SINHA)

New Delhi  
July 09, 2019

**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 (Cr1.) No(s).1530/2018**

**(Arising out of impugned final judgment and order dated 05-02-2018 in S.B. Criminal Misc. (Pet.) No.9977/2017 passed by the High Court Of Rajasthan at Jodhpur)**

**KAMLESH & ANR.**

**Appellant(s)**

**VERSUS**

**THE STATE OF RAJASTHAN & ANR.**

**Respondent(s)**

**(IA No. 24402/2018 - EXEMPTION FROM FILING O.T.)**

**Date : 09-07-2019 This matter was called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE ASHOK BHUSHAN  
HON'BLE MR. JUSTICE NAVIN SINHA**

**For Appellant(s)**

**Mr. Ravi Panwar, AOR**

**For Respondent(s)**

**Mr. Milind Kumar, AOR  
Mr. Bhakti Verdhan Singh, Adv.  
Mr. Amit Kumar Pathak, AOR**

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

**Leave granted.**

**The appeal is disposed of in terms of the signed order.**

**Pending application(s), if any, stands disposed of.**

**(ARJUN BISHT)  
COURT MASTER (SH)**

**(RENU KAPOOR)  
BRANCH OFFICER**

**(signed order is placed on the file)**