

Kulshrestha Dhingra & Another

v.

State of NCT of Delhi & Another

(Supreme Court Of India)

HON'BLE MR. JUSTICE ALTAMAS KABIR HON'BLE MR. JUSTICE CYRIAC JOSEPH

Kulshrestha Dhingra & Another v. State of NCT of Delhi & Another

Criminal Appeal No. 2165 Of 2010 [Arising Out Of Slp(Crl.) No. 4620 Of 2010] | 18-11-2010

1. Leave granted.

2. This appeal is directed against the judgment and order dated 10th May, 2010, passed by the Delhi High Court in Bail Application No.141 of 2010, under Section 438 Cr.P.C. By virtue of the impugned order the Delhi High Court confirmed the earlier order restraining the investigating authorities from arresting the appellants in connection with FIR No.6/2010 of Vasant Kunj South Police Station, New Delhi, with the direction that the amount of Rs.25 lakhs, which had been seized from the account of the appellant No.1 and had been invested in a Fixed Deposit, be released to the respondent No.2 on her furnishing adequate security to the satisfaction of the Metropolitan Magistrate.

3. Aggrieved by the said direction, the appellants have filed the instant appeal.

4. Admittedly, the matter is still at the stage of investigation, and in our view having regard to the claims and counter claims and the dispute relating to title, the High Court erred in directing release of the money and the same should await at least the result of the investigation.

5. We, accordingly, allow the appeal and set aside the direction regarding the release of the said amount of Rs.25 lakhs lying in the bank to the respondent No.2, but we also direct that the appellants shall cooperate with the investigating authorities in completing the investigation. For the said purpose, the appellants shall report to the investigating officer, as and when called upon to do so.

6. We also make it clear that if a chargesheet is filed against the appellants, they shall surrender before the trial court and shall pray for regular bail. We further make it clear that either of the parties would be at liberty to apply to the trial court with regard to the release of

the amount lying in the Fixed Deposit after the filing of the final report by the police authorities under Section 173(2) Cr.P.C.

7. The appeal is allowed and disposed of accordingly.

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