



ITEM NO.60

COURT NO.6

SECTION II-B

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.) No(s). 15122/2023

(Arising out of impugned judgment and order dated 18-10-2023 in BA No. 7797/2023 passed by the High Court of Kerala at Ernakulam)

XXX

Petitioner(s)

VERSUS

M.J.JOHNSON & ORS.

Respondent(s)

(IA No. 242335/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 255125/2023 - EXEMPTION FROM FILING O.T.

IA No. 242336/2023 - EXEMPTION FROM FILING O.T.

IA No. 255124/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ ANNEXURES

IA No. 254880/2023 - VACATING STAY)

Date : 13-05-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. V Chitambaresh, Sr. Adv.
Mr. Jogy Scaria, AOR
Ms. Beena Victor, Adv.
Mr. C Govind Venugopal, Adv.
Mr. Vivek Guruprasad Ballekere, Adv.
Mr. Keerthipriyan E, Adv.
Ms. M Priya, Adv.
Mr. Ashwani Kumar Soni, Adv.

For Respondent(s) Mr. R. Basant, Sr. Adv.
Mr. John Mathew, AOR

Mr. Jayanth Muth Raj, Sr. Adv.
Mr. Harshad V. Hameed, AOR
Mr. Dileep Poolakkot, Adv.
Mrs. Ashly Harshad, Adv.
Mr. Shivam Sai, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Mr. V Chitambaresh, learned senior counsel appearing for the petitioner. Also heard Mr. R. Basant, learned senior counsel appearing for respondent Nos. 1 and 2.

2. Mr. Chitambaresh, learned senior counsel would submit that the respondents (accused) are lawyers and were in a dominant position so far as the victim is concerned and therefore the High Court erred in granting anticipatory bail to them, under the impugned order dated 18.10.2023. Mr. Basant, learned senior counsel in his turn submits that the respondents were taken into custody on 06.05.2024 and currently they are lodged in jail. Representing the State of Kerala, Mr. Jayanth Muth Raj, learned counsel submits that the investigation of the case is continuing.

3. Having considered the circumstances here and more particularly the fact that the respondent Nos. 1 and 2 were arrested, we deem it appropriate to grant bail to both accused i.e., M.J. Johnson and Philip K.K. However, as it is noticed that there was interaction between the accused and the victim, the respondents must keep distance and shall not communicate in any manner with the victim or any of the other witnesses connected with the case. The trial court may impose any other bail conditions which is considered necessary, after hearing the Public Prosecutor.

4. In consequence of the above order, the impugned order dated 18.10.2023 granting anticipatory bail by the High Court, is set aside and quashed.

5. The Special Leave Petition is accordingly disposed of.

6. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR