

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

CRIMINAL APPEAL NO. 383/2024 @ SLP(CrI) No. 12829/2023

KRISHNA SHARMA ALIAS KRISHNA KUMAR SHARMA **APPELLANT(S)**

VERSUS

THE STATE OF WEST BENGAL & ANR. **RESPONDENT(S)**

O R D E R

1. Leave granted.
2. The appellant challenges the order dated 06.09.2023, vide which the bail granted to the appellant earlier was cancelled.
3. Learned counsel appearing for the appellant submits that the appellant could not attend the Court on the said date as there was traffic jam due to VIP movements. He further submits that the lawyer of the appellant also could not remain present as his Vakalatnama was withdrawn on an earlier day.
4. Learned counsel for the respondent/State and the learned counsel for the complainant oppose the petition.
5. However, we find that merely because the appellant did not appear personally could not have been a ground for cancellation of bail. The parameters for grant of bail and cancellation of bail are totally different. The bail already granted may be cancelled, if it is found that the person who has been granted the benefit of bail has violated any of the conditions or misused the liberty by influencing the witnesses or tampering with the evidence.
6. Nothing of that sort is recorded in the impugned judgment. We therefore set aside the impugned order and allow this appeal.

7. Pending application(s), if any, shall stand disposed of.

.....J
(B.R. GAVAI)

.....J
(SANJAY KAROL)

.....J
(SANDEEP MEHTA)

NEW DELHI;
JANUARY 24, 2024

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 12829/2023

(Arising out of impugned final judgment and order dated 06-09-2023 in CRM(DB) No. 3098/2022 passed by the High Court at Calcutta)

KRISHNA SHARMA ALIAS KRISHNA KUMAR SHARMA PETITIONER(S)

VERSUS

THE STATE OF WEST BENGAL & ANR. RESPONDENT(S)

Date : 24-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Ashok K. Singh, Adv.
Ms. Ankita Baluni, Adv.
Ms. Vinita Singh, Adv.
Ms. Anchal Bindal, Adv.
Mr. Aftab Ali Khan, AOR

For Respondent(s) Mr. Atarup Banerjee, Adv.
Mr. Arindam Sen, Adv.
Mr. Sunando Raha, Adv.
Ms. Sampriti B., Adv.
Mr. Anupam Raina, AOR

Mr. Srisatya Mohanty, Adv.
Ms. Lihzu Shiney Konyak, Adv.
Ms. Astha Sharma, AOR

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

1. Leave granted.
2. The appeal is allowed, in terms of the signed order.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)