

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

**CRIMINAL APPEAL NO. 2164 OF 2010
ARISING OUT OF SLP(CRL.) NO. 1830 OF 2008**

ASHISH KHARE

.....

APPELLANT

VERSUS

STATE OF M.P.

.....

RESPONDENT

O R D E R

1. Leave granted.
2. This appeal is directed against the final order dated 31st August, 2008, passed by the High Court of Madhya Pradesh in Miscellaneous Criminal Case No. 299 of 2008 rejecting the appellant's prayer for grant of anticipatory bail.
3. On 31st March, 2008, while issuing notice, we had directed that the appellant shall not be arrested in connection with Criminal Case No. 200 of 2007 of Kotwali Police Station, Panna, Madhya Pradesh.
4. When the matter is taken up today, it is submitted by Ms. Vibha Datta Makhija, learned Advocate, appearing for the State of Madhya Pradesh, that the appellant has not been co-operating in the investigation after the aforesaid order was passed by this Court and for all practical purposes he is not traceable and as a result the

investigation against him could not be concluded and charge sheet is yet to be filed as far as he is concerned.

5. Having heard the learned counsel for the parties, we direct the appellant Ashish Khare, to appear before the Investigating Officer of this case on 1st December, 2010 at 11:00a.m. at the Kotwali Police Station, Panna, Madhya Pradesh. Thereafter, he shall appear before the Investigation Officer as and when called for.

6. If a charge sheet is filed against the appellant, he shall surrender before the trial court forthwith and apply for regular bail. Till then, the interim order as passed by this Court will continue.

7. The appeal stands disposed of in the above terms.

.....J
[ALTAMAS KABIR]

.....J
[CYRIAC JOSEPH]

NEW DELHI
NOVEMBER 12, 2010.