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SLP(Crl.)No. 779 OF 2004
ITEM No.303

Court No. 8

SECTION IIA
A/N MATTER

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. 779/2004

(From the judgment and order dated 20/01/2004 in CRLM 2008/04
of The HIGH COURT OF PATNA)

BIRENDRA CHANDRA DAS

Petitioner (s)

VERSUS

STATE OF BIHAR AND ANR.

Respondent (s)

(With Appln(s). for bail)
(With Office Report)

Date : 26/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE P.VENKATARAMA REDDI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)

Mr. Himanshu Shekhar,Adv.

For Respondent (s)Mr. Mukul Rohatgi, ASG
Mr. A.D.N. Rao, Adv.
Mr. P. Parmeswaran,Adv.
Mr. A. Mariarputham, Adv.
Mrs. Aruna Mathur, Adv.

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

The petitioner is ordered to be released on interim bail on executing a bond with two solvent sureties in a sum of Rupees one lakh to the satisfaction of the appropriate court on the following conditions:

- a)He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him to disclose such facts to the court or to any other authority;
- b)He shall remain present before the court on the dates fixed for hearing of the case. If he wants to remain absent then he shall take prior permission of the court and in case of unavoidable circumstances for remaining absent he shall immediately give intimation to the appropriate Court (AHD) and also to the Superintendent, C.B.I. and request that he may be permitted to be present through his counsel;
- c)he will not dispute his identity as the accused in the case;
- d)he shall surrender his Passport, if any, (if not already surrendered) and in case he is not a holder of the same he shall swear an affidavit to that effect. If he has already surrendered the Passport before the designated court that fact should also be supported by an affidavit.

e)he shall not leave the limits of appropriate State without the prior permission of the concerned trial court.

We clarify that it will be open to the C.B.I. to apply for cancellation of bail in accordance with law in this Court. Further, if it is found that the petitioner is deliberately protracting the trial or taking unnecessary adjournments then that by itself would be a ground for cancellation of bail.

The special leave petition is disposed of accordingly.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master