

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).1169/2005

(From the judgement and order dated 09/02/2005 in CRLMA No.9498/2004  
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

BHOLABHAI CHATURBHAI PATEL

Petitioner(s)

VERSUS

STATE OF GUJARAT AND ANR.

Respondent(s)

(With appln(s) for bail and office report)

Date: 01/08/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner(s)

Mr. Sushil Kumar, Sr. Adv.

Mr. Saurin Shah, Adv.

Mr. R.B. Phookan, Adv.

Ms. Meenakshi Arora, Adv.

For Respondent(s)

Mr. M.K. Choudhary, Adv.

Mr. Abhijat P. Medh, Adv.

Ms. Hemantika Wahi, Adv.

Mr. Moulik Nanavati, Adv.

UPON hearing counsel the Court made the following

O R D E R

By the impugned order, the High Court declined to extend the bail granted to the petitioner on medical ground and granted four weeks' time to him to surrender before the jail authorities. A perusal of the impugned order does not show that any submission was made before the High Court for grant of bail on

...2/-

- 2 -

the grounds other than the medical ground. Mr. Sushil Kumar, learned senior counsel for the petitioner, on instructions from Mr. Saurin Shah, learned advocate, who is said to have argued the matter before the High Court, submits that the arguments before the High Court were also addressed for grant of bail on merits, i.e., on the grounds other than the health condition of the petitioner. As already stated, it does not so appear from the impugned order. Insofar as the refusal by the High Court to grant further extension on medical ground is concerned, we find no ground to interfere with the impugned order in exercise of power under Article 136 of the Constitution of India. Therefore, while dismissing the special leave petition, we extend the time granted to the petitioner to surrender by another four weeks so that the petitioner, if so advised, may move appropriate application before the High Court for considering his prayer for grant of bail on merits. The said application, if filed, would be considered on its own merits. We, however, express no opinion on the merits of the case.

With aforesaid observations, the special leave petition is dismissed.

[ T.I. Rajput ]

Court Master

[ V.P. Tyagi ]

Court Master