

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CRL.) NO.46 OF 2011

MAHENDRA BHAI HARI BHAI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for ex-Parte stay, bail, permission to file additional documents and office report)

Date: 21/02/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s)

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Vikram Chaudhari, Adv.
Mr. Aniruddha P. Maqee, Adv.
Mr. Saurabh Kirpal, Adv.
Mr. Nikhil Jain, Adv.
Ms. Jyoti Taneja, Adv.
Mr. Charudatta Mahindrakar, Adv.
Mr. Nikhil Jain, Adv.

For Respondent(s)

Mr. Mohan Parasaran, A.S.G.
Mr. N. Meyyappan, Adv.

Mrs. Hemantika Wahi, Adv.
Ms. Suveni Banerjee Ghosh, Adv.

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

Having heard Mr. Mukul Rohatgi, learned senior counsel appearing for the petitioner and Mr. Mohan Parasaran, learned Additional Solicitor General, let Rule issue in the writ petition and let this matter be tagged along with Writ Petition (Crl.) No.31 of 2011, in which Rule had been issued on 14th February, 2011.

In view of the fact that proceedings had been taken against the petitioner under the provisions of the Prevention of Terrorism Act, 2002, which was repealed in 2004, and sanction was obtained to prosecute the petitioner much after the repeal and also the sunset period included in the repeal provision, let Rule issue in this matter also and the same be tagged with Writ Petition (Crl.) No.31 of 2011.

In the meantime, having regard to the question involved, which goes to the very root of the proceedings and the sanction now taken in 2010, let the petitioner be released on interim bail in C.R. No.11 of 2003, to the satisfaction of the Special Judge (POTA), Ahmedabad, upon such terms and conditions, as the learned Trial Court may think necessary, to ensure the presence of the petitioner when the matter is taken up for hearing and disposal, which may include reporting to the local police station where the petitioner resides, once every week.

Apart from the learned Additional Solicitor General, let it be recorded that Ms. Hemantika Wahni, has entered appearance on behalf of the respondent Nos.2 to 5. Service of Rule on the respondents may, therefore, be waived and the matter may be treated as ready, as regards service of the Rule.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Court Master