

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. 1796/2001  
(From the judgement and order dated 28/11/2000 in DBCBA 949/00  
of The HIGH COURT OF RAJASTHAN AT JAIPUR)

SHIV KUMAR SHARMA Petitioner (s)

VERSUS

SATISH KUMAR SHARMA & ANR. Respondent (s)

( With Appln(s). for accepting document&cancellation of bail )

Date : 03/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA  
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s)

Mr. Sanjay Parikh,Adv.  
Mr. R.R.Chandrachud,adv.

For Respondent (s)

Mr. Rakesh Dwivedi,Sr.Adv.  
Mr. Vishwajit Singh,Adv.  
Mr. Ravi Kumar Verma,adv.  
  
Mr. Javed Mahmud Rao,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.J  
.SP2

Leave granted.  
Appeal is disposed of.

.SP1

(Suman Wadhwa) (S.Malkani)  
Court Master Court Master

Signed order is placed on the file.

.PA

Shiv Kumar Sharma

& Appellant

Vs.

Satish Kumar Sharma & Anr.

& Respondents

O R D E R

Leave granted.

Heard learned counsel for the parties.

We have perused the order passed by the High Court on 28.11.2000 in which the respondent No.1 has been released on bail during the pendency of the appeal. In the order dated 10.10.2000 the High Court had rejected prayer of the said respondent for an order of suspension of sentence and release on bail. Shortly thereafter (about six weeks after) the order granting bail has been passed.

In the order under challenge the High Court has given the reason that in the meantime two other co-accused, appellants before the Court have been released on bail. On perusal of the order passed on the application filed by those appellants it appears that they were released on bail on the ground that they are ladies. We are of the view that the order granting bail to the respondent No.1 has not been passed on proper consideration of the relevant facts and circumstances of the case. The order is unsustainable. Accordingly the same is set aside. We make it clear that this order will not prevent the respondent from filing fresh application for bail stating the changed circumstances, if any. The appeal is disposed of.

& & & & & & & .J.  
(D.P. Mohapatra)

& & & & & & & .J.  
(Shivaraj V. Patil)

New Delhi  
September 3, 2001