

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CRLMP 8036/2005 IN CRIMINAL APPEAL NO.428/2004

STATE OF MAHARASHTRA
)

Appellant(s)

VERSUS

WILHELM ALBIN MARTI & ANR.
)

Respondent(s)

(For cancellation of bail and direction with office report)

Date: 16/08/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner(s) Mr. Ravindra Keshavrao Adsure, Adv.

For Respondent(s) Mr. E.C. Agrawala, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Manu Krishnan, Adv.

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

On 5th April, 2004, while granting leave this Court stayed the operation of the order and judgment under challenge to the extent it directed the release of the accused-respondents. However, bail was granted to them subject to their furnishing security/bond for a sum of Rs.20,000/- with one surety each of a like sum, to the satisfaction of the trial court within a period of two weeks. It was directed that the accused-respondents will not leave the country and shall keep their passports in the trial Court.

The present Criminal Miscellaneous Petition for cancellation of bail has been filed by the State of Maharashtra stating therein that the accused-respondents have misused the liberty granted to them by this Court and have fled the country. Copy of this application was handed over to Mr. E.C.Agrawala, Adv. who appeared for the accused-

respondents at the time of granting bail. Mr. E.C.Agrawala, counsel for the accused-respondents states that he is not in a position to contact his clients and may be they are not in the country today.

We are prima facie satisfied that the accused-respondents have misused the liberty granted by this Court and have acted in violation of the Court's order. The bail granted to them is cancelled. Non-bailable warrants be issued against the accused-respondents. The State of Maharashtra would be at liberty to move the Central Government to execute the warrants and if need be to seek extradition of the accused-respondents.

(Parveen Kr. Chawla)
Court Master

(Kanwal Singh)
Court Master