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SLP(Crl.)No. 2199-2200 OF 2003

ITEM No.30

Court No. 7

SECTION IIA

A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 2199-2200/2003

(From the judgement and orders dated 21/01/2003 and 23/01/2003
in M.CRL C. NOS. 8378 and 8193 of 2002 of The HIGH COURT
OF JUDICATURE AT JABALPUR (M.P.)

ABHINAV MISHRA

Petitioner (s)

VERSUS

STATE OF M.P. & ORS.

Respondent (s)

(With Appln(s). for permission to place addl. documents on record
and exemption from filing O.T. and Office Report)

Date : 09/10/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. K.T.S.Tulsi, Sr.Adv.

Mr. Sakesh Kumar, Adv.

Ms. Prachi Mishra, Adv.

Ms. S. Janani,Adv.

For Respondent (s)Mr. R.P.Gupta, Sr.Adv.

No. 1 Ms. Kamakshi S. Mehlwal,Adv.

Mr. Prakash Jha, Adv.

No. 2 Mr. U.R.Lalit, Sr.Adv.

Mr. Prakash Shrivastava,Adv.

No. 3Mr. Jaspal Singh, Sr.Adv.

Mr. Jagjit Singh Chhabra, Adv.

Mr. Manish K.Saryal, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties for about half an hour.

Leave granted.

The appeals are allowed in terms of the signed order.

Anita

(Jasbir Singh)

Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 1291-1292 OF 2003

(@ S.L.P. (Criminal) Nos. 2199-2200 of 2003)

Abhinav Mishra

... Appellant (s)

Versus

State of M.P. & Ors.

... Respondent (s)

O R D E R

Heard learned counsel for the parties at great length.
Leave granted.

This is a case where there has been a double murder. The heads of the victims are chopped off and bodies are mutilated. Bail had been refused on a number of earlier occasions. The High Court has now granted bail by a very cryptic order which sets out no reasons at all.

Parties have taken us through the entire evidence. We do not want to express any opinion on the merits of the case so that it does not prejudice any party. However it seems clear to us that this is not a fit case where bail could have been granted, particularly considering the fact that on a number of earlier occasions, bail has been refused and no change in the circumstances has been shown.

We disapprove of the manner in which bail has been granted by the High Court without even indicating why now bail should have been granted when on so many earlier occasions it had been refused.

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The impugned orders are set aside. The bail bonds shall stand cancelled. The accused-respondents to be taken into custody forthwith.

The appeals are allowed accordingly.

Compliance report showing that accused have been taken into custody to be submitted within two weeks.

.....J.

(S.N.Variava)

.....J.

(H.K.Sema)

New Delhi,
October 09, 2003.