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SLP(Crl.)No. 1837 OF 2003
ITEM No.47

Court No. 6

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. 1837/2003
(From the judgement and order dated 24/03/2003 in CRLA 273/03
of The High Court of Jharkhand at Ranchi)

SUSHIL PRAKASH

Petitioner (s)

VERSUS

STATE OF JHARKHAND

Respondent (s)

(With Appln(s). for bail & taking additional document on record)
(With Office Report)

Date : 18/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)M/s Rudreshwar Singh,Shishir Pinaki,
Sanjay Jain,Advs.

For Respondent (s)Mr. Anil K. Jha,Adv.

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

Leave granted.

The appellant is directed to be released on bail on furnishing bail bonds to the satisfaction of the concerned Chief Judicial Magistrate, Daltonganj. The appeal is disposed of in terms of the signed order.

[Naresh Kumar] [VP Tyagi]
Court Master Court Master
[Signed order is placed on the file.]
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2003
[Arising out of SLP(Cr) No.1837/2003]

Sushil Prakash

...
APPELLANT (S)

VERSUS

State of Jharkhand

...
RESPONDENT (S)

O R D E R

Leave granted.

The challenge in this appeal is the order of the High Court whereby the prayer of the appellant for grant of bail has been declined. From the material on record it seems evident that the charges against the appellant under Prevention of Terrorism Act, 2002 (POTA) have since been withdrawn in terms of Annexure P-11 dated 31st May, 2003 and in view of the said document Judicial Commissioner-cum-Special Judge, Ranchi in terms of order dated 5th June, 2003 has directed the appellant to be produced before Chief Judicial Magistrate, Daltonganj for taking cognizance of other offences as the appellant in view of withdrawal of charges was not required to be tried by that court. The appellant is in custody since 21st June, 2002. The appellant claims to be son of freedom fighter and an advocate. Having regard to the facts and circumstances of the case, we are of the view that the appellant is entitled to be released on bail.

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In view of the aforesaid, we set aside the impugned order and direct that the appellant be released on bail on furnishing bail bonds to the satisfaction of the concerned Chief Judicial Magistrate, Daltonganj. The appeal is disposed of accordingly.

.....J.
(Y.K. SABHARWAL)

.....J.
(H.K. SEMA)
New Delhi,
August 18, 2003.