

à%

SLP(Crl.)No. 2513 OF 2001

ITEM No.48

Court No. 5

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. 2513/2001

(From the judgement and order dated 19/04/2001 in CRLMA 1108/01
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

PATEL MOHANBHAI RAVJIBHAI

Petitioner (s)

VERSUS

BHARAT KUMAR MANSUKHLAL BUDDHADEV & ANR.

Respondent (s)

(With Appln(s). for stay,exemption from filing c/c of the impugned
Judgment and permission to place addl. documents on record) (With
Office Report)

Date : 17/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. Nirupam Nanavati,Sr.Adv.
Mr. Huzuka Ahmadi,adv.
Mr. N.M.Sakhardande,adv.
Ms. Meenakashi Sakhardande,adv.
Mr. S.R. Grover,Adv.

For Respondent (s) Mr. R.P.Bhatt,Sr.Adv.
For R.1 Mr. M.N. Shroff,Adv.
Mr. Chirag M.Shroff,adv.

For R.2 Ms. Hemantika Wahi,Adv.
Ms. Anu Sawhney,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)
Court Master

(H.K.Bhatia)
Court Master

Signed order is placed on the file.

.PA
.PL55

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 952 OF 2001 @@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of S.L.P.(Crl.)No. 2513/2001)

Patel Mohanbhai Ravjibhai ... Appellant

vs.

Bharat Kumar Mansukhlal ... Respondents
Buddhadev & Anr.

ORDER@@
CCCCC

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

Leave granted.

First respondent is an accused in a murder case. After completing the investigation the police filed a charge-sheet in the case alleging that the first respondent alongwith the co-accused is guilty of Sec.302, 352 etc. of the Indian Penal Code. By the impugned order a learned single Judge of the High Court of Gujarat allowed the first respondent to be released on bail. The aggrieved complainant has filed this appeal by special leave.

We do not want to give detailed reasons for upsetting the impugned order except saying that learned Single jJdge has not considered the bail application from the angle provided under Sec.437(i) of the Code of Criminal Procedure. This Court has emphasised time and

-2-

again the need for adopting the said angle while considering the question of enlarging the accused on bail when the offence involved is punishable with death or imprisonment for life, vide Prahlad Singh Bhati vs.@@

CCCC

NCT Delhi (2001 (4) SCC 280) and in Ram Prakash Pandey vs. State of U.P. (JT 2001 (7) SC 178).

In the result we set aside the impugned order. We direct the first respondent to surrender forthwith. It is open to the first respondent to move the High Court for bail afresh. If any such application is made it will be disposed of in accordance with law and in the light of the observations made above.

The appeal is disposed of.

.SP1

.....J.
(K.T. THOMAS)

New Delhi;
September 17, 2001.

.....J.
(S.N.VARIAVA)