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Crl.A.No. 1265-1266 OF 2004
ITEM No.43

Court No. 2

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Crl.MP. Nos. 5805-5806/05 In Criminal Appeal No. 1265-1266/2004

ARVIND MOHAN JOHARI & ANR.

Appellant (s)

VERSUS

STATE OF U.P. & ANR.

Respondent (s)

(for clarification/modification of court's order dt. 4.5.2005)

Date : 12/05/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant (s)

Mr. Dinesh Kumar Garg,Adv.

For Respondent (s)Mr. R. Mohan,ASG

Mr. V.G. Pragasam,Adv.

Mr. P. Parmeswaran,Adv.

Mr. Rakesh Dwivedi,Sr.Adv.

Mr. Vivek Raj Singh,Adv.

Ms. Meenakshi Arora,Adv.

M/s. K.J. John & Co.,Adv.

Ms. Rohina Nath,Adv.

Mr. Umesh Kumar Khaitan,Adv.

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

Crl.MPs are allowed in terms of the signed order.

(Ganga Thakur) (Prem Prakash)
PS to Registrar Court Master

Signed order is placed on the file.1 IN

THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Crl. M.P. No. 5805-5806/05

IN

Crl. M.P. Nos. 47-48 & 53-54/05

ARVIND MOHAN JOHARI & ANR.
...Appellant(s)

Versus

STATE OF U.P. & ANR.
...Respondent(s)

O R D E R

This application is being entertained on a statement made by the learned senior counsel appearing for the applicant that they have surrendered to the bail.

This Court as per its order dated 3rd November,2004 granted bail to the applicants because of the assurance given by the applicants that the entire amount due to the creditors will be made available for distribution amongst them. Subsequently it was found that assurance was not correct because the assets that were shown to this court were disputed and were not available for distribution, It is based on that fact by our order dated 4th May,2005 we cancelled the grant of bail earlier granted.

By this application applicant prays that his right to move any fresh application for bail on other grounds if any should not be foreclosed. He submits that what is stated in the order dated 4th May,2005 should not be a ground to refuse bail if in law he is otherwise entitled to. We have heard learned counsel for the respondent. We think it appropriate that a modification in our order dated 4th May,2005 is necessary. Therefore, we clarify that while cancelling the bail on 4th May,2005, we have confined our attention only to the assurance given by the applicants and not to any other fact, therefore if the applicants are entitled to make any application for grant of bail on any other grounds available to them in law the same is not foreclosed by our order dated 4th May,2005. If any further application for bail is made the same will be decided on merits of that application.

.....J.

(N. Santosh Hegde)

.....J.

(S.B. Sinha)

.....J.

(B.N. Srikrishna)

New Delhi,
May 12, 2005.