

ITEM NO.9

Court 9 (Video Conferencing)

SECTION II

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

Petitions for Special Leave to Appeal (Cr1.) No(s). 1928-1929/2021

(Arising out of impugned final judgment and order dated 03-02-2021 in CRMABA No. 1195/2021 03-02-2021 in CRMABA No. 9211/2020 passed by the High Court Of Judicature At Allahabad)

SANJAY KUMAR GUPTA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(I.A. No. 38818/2021- Appln. for clarifications/directions, application(s) for exemption from filing O.T. of annexures and exemption from filing notary/Oath Commissioner attested affidavit)

Date : 07-04-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Divyesh Pratap Singh, AOR
 Mr. Vikram Pratap Singh, Adv.
 Ms. Shivangi Singh, Adv.

For Respondent(s) Mr. Garvesh Kabra, AOR

 Ms. Meenakshi Arora, Sr. Adv.
 Mr. Ashwani Kumar Dubey, AOR

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

Applications for exemption from filing O.T. of
annexures and exemption from filing notary/Oath
Commissioner attested affidavit are allowed.

I.A. NO. 38818/2021

Issue notice, which is accepted by learned counsel for the respondents.

We have heard learned counsel for the parties at some length. We do not find the order passed by the Court of Chief Judicial Magistrate, Varanasi dated 02.03.2021 in sync with the order passed by this Court on 25.02.2021. Once this Court had stayed the operation of the order of the High Court dated 03.02.2021, granting anticipatory bail, the logical conclusion was that the anticipatory bail order stood in abeyance and merely because respondent Nos. 2 and 3 had furnished bail bonds will not make any difference. The interim order passed by this Court cannot be negated in this manner.

We are thus of the view that respondent Nos. 2 and 3 should be forthwith taken into custody and only thereafter would we be inclined to hear the said respondents on the issue raised in the present petition, i.e. whether the anticipatory bail granted by the High Court was sustainable or not.

At this stage, learned senior counsel appearing for respondent Nos. 2 and 3 states that

the said respondents will surrender within one week from today. The request is accepted.

The application accordingly stands disposed of with setting aside of the order passed by the Chief Judicial Magistrate, Varanasi dated 02.03.2021.

SLP(Cr1.) No. 1928-1929/2021

Counter affidavit by respondent Nos. 2 and 3 has been filed. One weeks' time is granted to learned counsel for the State to file counter affidavit.

Rejoinder affidavits be filed within one week thereafter.

List on 05.05.2021.

Interim order to continue till then.

(CHARANJEET KAUR)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)