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SLP(Crl.)No. 2661 OF 2003
ITEM No.44

Court No. 6

SECTION II
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 2661/2003

(From the judgement and order dated 13/05/2003 in CRLMB 5788/01
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAVINDRA NATH SINGH

Petitioner (s)

VERSUS

RAM GOVIND UPADHYAYA & ANR.
(With Appln(s). for bail and stay)
(With Office Report)

Respondent (s)

Date : 02/12/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. Rakesh Dwivedi, Sr.Adv.
Mr. Vishwajeet Singh, Adv.
Ms. Niranjana Singh,Adv.

For Respondent (s)Mr. G.S. Bhatt, Adv.
No.1: Mr. Praveen Swarup,Adv.

For St.of UP:Mr. Sahdev Singh, Adv.
Mr. Jatinder K. Bhatia, Adv.

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

Leave granted.
The appeal is allowed in terms of the signed order.

(N. Annapurna) (V.P. 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 S.L.P.(Crl.) No.2661/2003)

Ravindra Nath Singh
...Appellant

Versus

Ram Govind Upadhyaya & Anr.
...Respondents

O R D E R

Leave granted.

The challenge in this appeal is to the impugned order of the High Court on Miscellaneous Application No.5788 of 2001 cancelling the bail of the appellant. It seems that the impugned order was mainly passed as the bail of the co-accused stood cancelled as a result of the decision of this Court, dated 18th March, 2002, in Criminal Appeal Nos.381-382 of 2002.

It is, inter alia, submitted on behalf of the appellant that the appellant was granted bail by the Court of Session itself in terms of the order dated 5th July, 2000 whereas the co-accused in the two appeals referred to above had been declined bail by the Sessions Court but were granted bail by the High Court which order was set aside by this Court. This seems to be so, but, since we are remitting Miscellaneous Application No.5788 of 2001 for fresh decision ..2/-

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of the High Court, we express no opinion except that the cancelled bail application of the appellant should be considered on its own merits de hors the order dated 18th March, 2002 passed by this Court.

In this view, we allow the appeal setting aside the impugned order and remit Miscellaneous Application No.5788 of 2001 for fresh decision by the High Court in accordance with law, within a period of four weeks. Till the application is disposed of, the appellant shall remain in custody.

(Y.K. SABHARWAL)

.....J.

.....J.

(D.M. DHARMADHIKARI)

New Delhi,
December 02, 2003.