

ITEM NO.1 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.M.P. No.10464/2012 in
Petition(s) for Special Leave to Appeal (Crl) No(s).3340/2012
(From the judgement and order dated 19/03/2012 in CRP
No.2497/2012 of The HIGH COURT OF A.P AT HYDERABAD)

GOWRI SHANKAR GUPTA & ANR Petitioner(s)
VERSUS
STATE OF A.P. Respondent(s)

(With appln(s) for anticipatory bail and office report)

WITH
CRL.M.P. NO.11173/2012 in SLP(Crl) NO. 3598 of 2012
(With appln(s) for anticipatory bail and office report)

Date: 18/05/2012 These Petitions were called on for hearing
today.

CORAM :
HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
(VACATION BENCH)

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Dr. Abhishek Manu Singhvi, Adv.
Mr. Saurabh Kirpal, Adv.
Mr. Vikas Mehta, Adv.
Mr. Vikaram Mehta, Adv.
Ms. Aditi Bhat, Adv.
Ms. Sunil Sheharawat, Adv.
Ms. Ranjeeta Rohatgi, Adv.
Mr. Shakeel Ahmed, Adv.

For Respondent(s)/ State Mr. Altaf Ahmed, Sr. Adv.
Mr. D. Mahesh Babu, Adv.
Mr. Amit K. Nain, Adv.
Mr. Mayur R. Shah, Adv.

For complainant Mr. L. Nageswara Rao, Sr. Adv.
Mr. Manish Kumar, Adv.
Mr. Rakesh Kumar, Adv.
Mr. Ansar Ahmad Chaudhary, Adv.
Mr. Raj Kamal Handoo, Adv.
Mr. Yoginder Handoo, Adv.

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

We have heard Mr. Mukul Rohatgi, learned senior
counsel appearing for the petitioners and Mr. Altaf
Ahmed, learned senior counsel appearing for the State
of Andhra Pradesh and Mr. L. Nageswara Rao, learned
senior counsel appearing for the complainant.

These are the petitions/applications for

interim anticipatory bail to be granted to the petitioners Gowri Shankar Gupta and Gopal Gupta with regard to FIR No. 23 of 2012 and F.I.R. No.26 of 2012. Charge-sheet has already been filed and is pending in the Court of XII Additional Chief Metropolitan Magistrate, Hyderabad.

Learned senior counsel appearing for the petitioners contended that out of nine accused, seven have already been granted anticipatory bail. Only these two have been left out. It was also contended that looking to the charge-sheet, it would be reflected that the same is of civil nature and no cognizable offence is said to have been made out against these applicants.

The prayer has been seriously opposed by Mr. Altaf Ahmed, learned senior counsel appearing for the State and Mr. L. Nageswara Rao, learned senior counsel appearing for the complainant, on the ground that in

3

both the cases, they have been shown as absconder. It was also brought to the notice of the Court that the documents, on which several M.O.U.s. were entered into between the parties, were ultimately found to be forged and fabricated. It is also submitted by learned senior counsel appearing for the complainant that out of the money that was paid by the complainant to these accused, they have not only siphoned off the money but have also purchased different properties.

However, these allegations made by learned senior counsel for the complainant has been seriously refuted by learned senior counsel appearing for the applicants.

Be that as it may. We deem it fit and proper to grant protection to the applicants for a period of three weeks from today on the condition that the

applicants would apply for regular bail before the

aforesaid Court in both the cases by Tuesday i.e.

22.05.2012. On such applications being filed and

copies being served on the Public Prosecutor, the

Trial Court would endeavour to dispose of the same at

the earliest.

However, we put the following conditions on the applicants:-

1. That, till the matter is taken up and decided by the Trial Court, the

applicants would neither transfer nor alienate any of the properties in his personal capacity or as a Director of the Company.

2. He would report to the Police for investigation, as and when called, upon written request being served upon respondents.

3. He would not leave the country without permission of the Trial Court.

With the aforesaid directions, petitioners are granted interim protection against arrest for a period of three weeks from today.

The Special Leave Petitions along with aforesaid Crl. Misc. Petition No.10464 of 2012 and Crl. M.P. No.11173 of 2012 stand disposed of.

(A.D.Sharma)
Court Master

(S.S.R.Krishna)
Court Master