

S U P R E M E      C O U R T   O F   I N D I A  
RECORD OF PROCEEDINGS  
WRIT PETITION (CRL.) NO(s). 78 OF 2011

ASHOK SADARANGANI &amp; ANR.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(With appln(s) for ex-Parte stay, stay of arrest and office report)

WITH W.P(CRL.) NO.79 of 2011

(With appln(s) for ex-Parte stay, stay of arrest, permission to file additional documents and office report)

S.L.P. (Crl.) No.3591 of 2011

(With appln.(s) for ex-parte stay and exemption from filing c/c of the impugned judgment and office report)

Date: 02/05/2011      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR

HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s)

Mr. Mukul Rogatgi, Sr. Adv.  
Mr. U.U. Lalit, Sr. Adv. (NP)  
Mr. Atul Nanda, Sr. Adv.  
Mr. Vikram Chaudhary, Adv.  
Mr. Siddharth Singla, Adv.  
Mr. Saurabh Kirpal, Adv.  
Mr. Sujay N. Kantawala, Adv.  
Mr. Nikhil Jain, Adv.

For Respondent(s)

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

We are not inclined to entertain the special leave petition, which is directed against the order passed by the High Court, rejecting the petitioner's prayer for anticipatory bail albeit on the ground that charge sheet had been filed in the matter.

In the case of Bharat Chaudhary and another v. State of Bihar and another (2003) 8 SCC 77, the aforesaid position has been considered and it has been held that there was no bar invoking the provisions of Section 438 Cr.P.C. even after charge sheet had been filed and even cognizance had been taken. We are not, therefore, going into the said question and shall look into the matter on merits.

Having considered Mr. Mukul Rohatgi's submissions, we are convinced that this is not a case for grant of anticipatory bail and the petitioner should apply to the Trial Court for regular bail.

In the aforesaid circumstances, while rejecting the special leave petition, we, however, direct that the petitioner shall not be arrested for a period of seven days, to enable him to move the Trial Court for grant of regular bail. We also make it clear that whatever observations that have been made here in this order, should not prejudice the

Trial Court from considering the case of grant of regular bail to the petitioner.

W.P (CRL.) NO.78 of 2011

The writ petition is dismissed as withdrawn.

W.P (CRL.) NO.79 of 2011

The writ petition is dismissed as withdrawn.

(Chetan Kumar)  
Court Master

(Juginder Kaur)  
Court Master