

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO. 58 OF 2007

Pramod Kumr Saxena .. Petitioner(s)
Versus
Union of India & Ors. .. Respondent(s)

DATE : 19/09/2008 This matter was called on for
pronouncement of judgment today.

For Petitioner(s) Mr. Yash Pal Dhingra, Adv.

For Respondent(s) Mr. umar Kartikay, Adv.
Mr. Ranvijay, Adv.
Mr. Jatinder Kumar Bhatia, Adv.

Mr. Naresh K Sharma, Adv.

Mr. Anuvrat Sharma, Adv.

Mr. D.S. Mahra, Adv.

Ms. Sushma Suri, Adv.

Mr. Aruneshwar Gupta, Adv.

Hon'ble Mr. Justice C.K. Thakker pronounced the judgment
of the Bench comprising His Lordship and Hon'ble Mr. Justice D.K.
Jain.

Rule.

The writ petition is partly allowed with following directions :

1. If the petitioner will apply for bail, an appropriate Court will release him on bail on his executing a bond to the satisfaction of such Court.
2. If the petitioner is not arrested but is likely/required to be arrested, the Arresting Officer shall release him on bail on his executing a bond to the satisfaction of the Arresting Officer.
3. The above relief will be granted to the petitioner only in those cases where he is arrested in his capacity as Managing Director/Director of Imperial Forestry Corporation Ltd.

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4. Such relief will be allowed to the petitioner on his giving an assurance/ undertaking that he will remain present in the court concerned as and when his case is posted for hearing or his presence is required.

5. It is open to the petitioner to apply to the Court concerned for exempting him from personal appearance. The Court will pass an appropriate order on such application on such terms and conditions as the Court deems fit.

6. If the petitioner is having a passport with him, he will surrender his passport to police authorities. The police authorities will retain the same till the final disposal of all the cases.

7. It is open to the investigating agency in any case to move a competent Court for cancellation of bail/modification of conditions, if any such investigating agency finds that petitioner is misusing the liberty granted by this Court.

8. The above directions have been issued by this Court in special circumstances keeping in view the fact that the petitioner is in jail since more than ten years.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Court Master

[Signed reportable judgment is placed on the file]