

R

SLP(Crl.)No. 3754 OF 2000
ITEM No.26

Court No. 9

SECTION IIA
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. 3754/2000

(From the judgement and order dated 15/09/2000 in CRLM 23382/2000
of The HIGH COURT OF PATNA)

MD. ILLYAS HUSSAIN

Petitioner (s)

VERSUS

STATE OF BIHAR AND ANR.

Respondent (s)

(With Appln(s). for exemption from filing O.T. & bail & Office
Report)

WITH

SLP(Crl.)No. 4214/2000,

(with appln. for bail and office report)

T.P.(Crl.) No. 165-166/2001,

W.P(Crl.)No.(D9031/2001)/2001

(with appln. for impleading party)

Date : 21/09/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. RK Jain, Sr. Adv.
Mr. RK Khanna, Adv.
Mr. Rajesh Prasad Singh, Adv.

For Respondent (s) Mr. RN Trivedi, ASG
Mr. ADN Rao, Adv.
Mr. P. Parmeswaran, Adv.

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

SLP(Crl) Nos.3754 & 4214 of 2000@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

...L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Heard the learned counsel for the parties.

Interim order passed by this Court on 25th January, 2001
shall continue till the completion of the trial. However, it is
made clear that if the petitioner fails to remain present on any
date, posted by the Special Judge, it would be open to the
respondents to file proper application for cancellation of bail
of the petitioner.

The petitions stand disposed of accordingly.

..2/-

- 2 -

TP(Crl) Nos.165-166/2001 and WP(Crl) No.....(D.9031/2001)/2001@@
CC

Heard the learned counsel for the parties.

Learned Additional Solicitor General pointed out that in all 54 cases are required to be investigated which are registered. Out of the said cases, in all, 11 cases chargesheet has already been already submitted and the petitioner does not figure as accused in five of those cases. With regard to the rest of the cases it is submitted that at present nothing can be stated because it depends upon the final result of the investigation.

However, learned senior counsel for the petitioner submits that against the petitioner allegations are of the same kind in almost all the cases. He, therefore, submits that once the petitioner is released on bail on the similar type of allegations in other matters, it is not necessary that the petitioner should be taken into custody in each case after submission of the chargesheet.

In our view, at present, it would be difficult to decide the controversy because it depends upon the facts and the material gathered by the investigating agency against the petitioner. But we observe that if the allegations and the material against the petitioner is similar to the material which is produced in a case where he is released on bail by this Court, the trial court would consider the same appropriately.

With these observations transfer petitions and writ petition stand disposed of.

.SP1

(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master