\234ITEM NO.3 COURT NO.13 SECTION II

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(s).5169/2010
(From the judgement and order dated 07/04/2010 in BA No. 582/2010
of The HIGH COURT OF DELHI AT N. DELHI)

PRAMOD KUMAR JAIN Petitioner(s)

VERSUS

STATE OF DELHI Respondent(s)

(With appln(s) for stay of arrest,permission to file rejoinder
affidavit,permission to file additional documents

Date: 07/09/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s) Mr. Pramod Swarup, Sr Adv.
Mr. M.P.S. Tomar, Adv.
Ms. Parina Swarup, Adv.
Ms. Sandhya Goswami,Adv.

For Respondent(s) Mr. Ashok Bhan, Adv.
Ms. Asha G Nair, Adv.
Ms. Sadhna Sandhu, Adv.
Mr. Vijay Kumar,Adv.
Mrs Anil Katiyar,Adv

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

This special leave petition is directed against the judgment dated April 7, 2010 rendered by the learned Single Judge of the High Court of Delhi in Bail Application No. 582 of 2010 by which the prayer made by the petitioner to release him on bail under Section 438 of the Code of Criminal Procedure is rejected.

This Court has heard the learned Counsel for the parties. Having regard to the facts of the case, this Court is of the opinion that this is not a fit case for grant of anticipatory bail, more particularly when serious charges are levelled against the petitioner under Sections 498-A, 304-B read with Section 34 IPC. Therefore, the instant petition is liable to be dismissed. However, it is clarified that the petitioner would be entitled to file application for regular bail under Section 439 of the Code and as and when such application is filed, the same shall be decided by the competent court as early as possible and without any avoidable delay. It is further clarified that the application which may be filed under Section 439 of the Code shall be decided by the competent court without being influenced by the observations made by the High Court in the impugned judgment or

by this Court in the present order.

Subject to abovementioned clarifications, the special leave petition fails and is dismissed.

(Sonia)
Sr.P.A.

(Sneh Bala Mehra)
Court Master