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SLP(Crl.)No. 4064 OF 2000

ITEM No.38

Court No. 5

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. 4064/2000

(From the judgement and order dated 13/06/2000 in CRLMA 2412/00  
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

SANJAY @ BABLU @ KEJA BHARWARI

Petitioner (s)

VERSUS

STATE OF GUJARAT

Respondent (s)

( With Appln(s). for bail )  
( With Office Report )

Date : 12/03/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Vijay Bahuguna, Adv.  
Mr. Dinesh Kumar Garg, Adv.

For Respondent (s) Ms. Hemantika Wahi, Adv.  
Ms. Anu Sawhney, Adv.

UPON hearing counsel the Court made the following

O R D E R

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

Heard.  
Leave granted.  
The Criminal Appeal is disposed of.

.SP1

Hemalatha

(HK Bhatia)  
Court Master

(signed order is placed on file)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.....OF 2001@@  
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(Arising out of SLP(Crl.) No.4064 of 2000)

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

SANJAY @ BABLU @ KEJA .. APPELLANT

VS.

STATE OF GUJARAT ..RESPONDENT

O R D E R@@  
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.SP2

Heard.

Leave granted.

The only objection for granting bail to the appellant is that since he is hailing from Allahabad he is likely to abscond from the court in Gujarat. For allaying the said apprehension alone it is not proper to keep the appellant in jail if otherwise he is entitled to bail. The offences charged against him are under Section 307, 393, 392 read with 120-B of the IPC besides Section 25 of the Arms Act. He was arrested on 24.8.1998 and he is continuing in jail. We do not find any reason to keep him as an undertrial prisoner for a further period. For ensuring his participation in the trial court some conditions can be imposed.

We, therefore, order the appellant to be released on bail on his executing a bond in a sum of Rs. 25,000/- with two solvent sureties to the satisfaction of the trial judge. He is directed to abide by a condition that if he is unable to be present in the trial court on any day an application on his behalf shall be filed by a .. /2

counsel who should be present in the court. In the application he must state unconditionally that he will not dispute his indentivity as an accused in the case and that he has no objection for the trial to proceed even in his absence. Without conforming to this condition if he is absenting himself on any posting date it is open to the trial court to cancel the bail granted to him. This appeal is disposed of accordingly.

.SP1

.....J.  
(K.T. Thomas)

New Delhi  
Dated 12th March, 2001

.....J.  
(R.P. Sethi)