

`ITEM NO.36

COURT NO.6 SECTION IIA
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).4904/2011
(From the judgement and order dated 13/05/2011 in MCRLC No.
2524/2011 of The HIGH COURT OF M.P AT GWALIOR)

FAUZI @ PRATAP SINGH & ANR. Petitioner(s)

VERSUS

STATE OF M.P. Respondent(s)
(With appln(s) for exemption from filing O.T., anticipatory bail)

Date: 12/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s) Mr. Fakhruddin, Sr. Adv.
Mr. Raj Kishor Chaudhary, Adv.for
Mr. T. Mahipal, Adv.

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

Heard learned counsel for the petitioner.

No case for grant of anticipatory bail is made out.

The Special Leave Petition is dismissed. However, we wish to reiterate that inherent in the power to grant bail is the power to grant interim bail, pending final disposal of the bail application. This is in view of Article 21 of the Constitution of India which guarantees the right of reputation to every person.

Hence, the petitioners may apply for regular bail along with an application for interim bail. If such an application is filed, the trial Court is directed to decide the interim bail application, pending final disposal of the bail application, on the same day on which it is filed and on its own merits in accordance with law. We make it clear that this shall not be taken as an expression of opinion as if we are inclined or not inclined to release the petitioners on bail.

(Parveen Kr. Chawla) (Indu Satija)
Court Master Court Master