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SLP(Crl.)No. 119 OF 2001

OUT TODAY  
Court No.10

SECTION II

ITEM No.21

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. 119/2001  
of The )

RAKESH BALI & ORS.

Petitioner (s)

VERSUS

BALBIR KUMAR DATTA & ORS.

Respondent (s)

( With Appln(s). for bail and exemption from filing c/c of the  
impugned Judgment and exemption from filing O.T. )

Date : 29/11/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE U.C. BANERJEE  
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. P.S. Misra, Sr. Adv.,  
Mr. Arvind Kr. Shukla, Adv. for  
Mr. Irshad Ahmad, Adv.

For Respondent (s) Mr. R.K. Maheshwari, Adv.  
Mr. S. Wasim A. Qadri, Adv.,  
Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Leave granted.

Accordingly, the impugned order of High Court whereby  
cancellation of anticipatory bail and bail was directed is  
set aside and the order of the Sessions Judge restored.  
The appeal is allowed.

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(R.K. Dhawan)  
Court Master

(D.D.Jindal)  
Assistant Registrar

(Signed order will follow)

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1220 OF 2001@@  
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Rakesh Bali & Ors.

Appellant(s)

versus

Balbir Kumar Datta & Ors.

Respondent(s)

O R D E R@@  
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Leave granted.

In a petition under Section 482 read with Section 439(2) of the Criminal Procedure Code the High Court has reversed the order of learned Sessions Judge granting anticipatory bail and bail to the accused persons on 31st July, 1999, 4th August, 1999 and 6th August, 1999. The High Court placed considerable reliance on the statement of Mohsin Zaidi, a close family friend said to have been recorded by the S.D.M. and upon consideration of the fact so placed, cancelled and set aside the aforesaid bail orders. Cancellation of bail can only be effected on cogent reasons that are available or the materials being placed before the Court. It appears that the statement of Mohsin Zaidi was not recorded by the S.D.M. The amount of the materials placed, in our view, as has been noticed by the High Court in its judgment, was not sufficient enough to cancel a bail order already passed by the Sessions Judge.

We do not wish to go into the merits of the matter since that might otherwise affect the trial. The

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cancellation of bail cannot be sustained. Accordingly, the impugned order of High Court, whereby cancellation of anticipatory bail and bail was directed, is set aside and the orders of the Sessions Judge restored. The appeal is allowed.

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.....J.  
(U.C.BANERJEE)

.....J.  
(Y.K. SABHARWAL)

New Delhi,  
November 29, 2001