

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. 150/2002

(From the judgement and order dated 17/08/2001 in CRLA 1893/01  
of The HIGH COURT OF BOMBAY)

BHARAT SHANTILAL SHAH

Petitioner (s)

VERSUS

STATE OF MAHARASHTRA

Respondent (s)

( With Appln(s). for bail & permission to place addl. documents on  
record & Office Report )

Date : 03/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH

For Petitioner (s) Mr. Ram Jethmalani, Sr. Adv.  
Mr. Kapil Sibal, Sr. Adv.,  
Mr. VR Manohar, Sr. Adv.  
Mr. Amit Desai, Adv.  
Mr. UA Rana, Adv.  
Mr. Siraj Rahimtulla, Adv.  
Mr. Arvind Kumar, Adv.  
Mr. V Krishna, Adv.  
Ms. C Salgaoncar, Adv.  
Mr. Shrikant Shiv de, Adv. for  
M/s Gagrath & Co.,Adv.

For Respondent (s) Mr. Altaf Ahmed, ASG  
Mr. S.V. Deshpande,Adv.,  
Ms.Rohini Salian,Adv.,  
Mr.H.V.P. Sharma,Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
Leave granted.

Heard the learned counsel for the appellant as well  
the learned Addl.Solicitor General appearing for the  
respondent exhaustively. The appellant be released on bail  
on his executing a bail bond for a sum of Rs.One Lac only  
with two sureties of the like amount to the satisfaction of  
the trial court. The appelant to surrender his passsport if  
not already surrendered and the passpost shall not be  
released till the trial is over. This order not to be  
treated as a precedent. The appeal is allowed accordinlgy.

(Vijay Kumar Sharma)  
Court Master

(Janki Bhatia)  
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CRL. APPELLATE JURISDICTION

CRL. APPEAL NO. 438 OF 2002@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(Arising out of SLP (Crl) No.150/2002)

BAHRAT SHANTILAL SHAH

Appellant

Versus

STATE OF MAHARASHTRA

Respondent

O R D E R@@  
CCCCCCCC

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

Leave granted.

We have exhaustively heard the learned counsel for the appellant as well as the learned Addl.Solicitor General appearing for the respondent. They have taken us through the material which is produced on record. It is admitted fact that the appellant is in custody since January 8, 2001. As against this, the learned Addl. Soclicitor General submitted that during most of the aforesaid time, he is kept in hospital and not in prison.

Considering all the circumstances which are pointed out by the learned counsel for the parties, we think that this would be a fit case for releasing the appellant on bail on his exexuting a bail bond for a sum of Rs.1 lac

:-2:-

only with two sureties of the like amount to the satisfaction of the trial court on a specific condition that he shall not use his cell phone and shall surrender his cell phone to the investigating agency. The appellant would surrender his passport if not already surrendered and passport shall not be released till the trial is over.

However, we make it clear that untravelled by the order passed by this Court releasing the appellant on bail, the trial court would proceed with the matter in accordance with law without being influenced by the previous orders passed by the High Court and this order would not be cited as a precedent as the order is passed on the facts and circumstances of this case.

Learned counsel for the appellant states that appellant would appear before the trial court on every date of posting without fail unless exempted by the court. Learned counsel for the appellant also states that appellant is also interested in expeditious trial. Similarly, the learned Addl. Solicitor General states that prosecuting agency will not seek any adjournment and

:-3:-

would request the trial court to proceed with the matter expeditiously. Liberty to apply. The appeal allowed accordingly.

.SP1

.....J.  
( M.B. Shah)

.....J.  
( Bisheshwar Prasad Singh)

New Delhi,  
April 3, 2002