

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5487/2009

(From the judgement and order dated 03/07/2009 in BA No. 2616/2009 of  
The HIGH COURT OF KERALA AT ERNAKULAM)

NITIN M PRAKASH

Petitioner(s)

VERSUS

STATE OF KERALA & ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T., anticipatory bail and office  
report ))

Date: 17/08/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr. Nishe Rajen Shonker, Adv.

UPON hearing counsel the Court made the following  
ORDER

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 petitioner may apply for regular bail along with an application for interim bail application. 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 petitioner on bail.

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