

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).4034/2009

(From the judgement and order dated 05/05/2009 in CRMBA No. 21460/2008 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MITHLESH SHARMA

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(With appln(s) for exemption from filing O.T.,bail,impleadment)

WITH SLP(Crl) NO. 4070 of 2009

(With appln. for bail and permission to place addl. documents on record and impleadment and With office report)

SLP(Crl) NO. 6370 of 2009

(With appln. for bail and office report)

SLP(Crl) NO. 7507 of 2009

(With appln. for c/d in filing SLP, bail and exem. from filing OT and impleadment and office report)

SLP(Crl) NO. 7695 of 2009

(With appln. for impleadment and bail and exem. from filing OT and office report)

SLP(Crl) NO. 9063 of 2009

(With appln. for bail and exem. from filing OT and office report)

Date: 22/01/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI

HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Vishwajit Singh,Adv.
 Mrs. Veerakaul Singh,Adv.
 Mr. Sidharth Sengar,Adv.
 Mr. Abhindra Maheshwari,Adv.
 Mr. Pankaj Singh,Adv.

Mrs.Rekha Palli,Adv.
Mr. A.V.Palli,Adv.
Mr. Atul Sharma,Adv.

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For Respondent(s) Mr. Vivek Tankha,Sr.Adv.
 Mr. P.K.Dey,Adv.
 Mr. C.P.Sharma,Adv.
 Mr. Arvind Kumar Sharma,Adv.

Mr. T.N.Singh,Adv.
Mr. Manoj K.Mishra,Adv.
Mr. Rajiv Dubey,Adv.
Mr. Kamalendra Mishra,Adv.

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

We have heard the learned counsel for the
parties.

We are informed by the learned counsel for

the C.B.I. that the charge-sheets have already been filed and the submissions to the contrary on the last date appeared to be erroneous on fact. In this view of the matter Section 167(2) Cr.P.C. would not apply. It is stated before us that the petitioners have been in custody for almost two years and the trial is to go on before the Magistrate who can award a maximum of sentence seven years' imprisonment. We also see that the bail applications of several persons similarly situated (class II and Class IV employees) have already been allowed by the High Court as well as by this Court.

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In the light of the above facts it would be unnecessary to keep the persons in custody any further. The CBI has given us certain conditions for the grant of bail. We accordingly release the petitioners on bail on conditions to be settled by the Trial Court. The Trial Court will also examine conditions that have been provided by CBI for the grant of bail.

The special leave petitions are disposed of.

[SUMAN WADHWA]
COURT MASTER

[VINOD KULVI]
COURT MASTER