

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).6443/2009

(From the judgement and order dated 07/07/2009 in
of The HIGH COURT OF M.P AT JABALPUR)

CRLR No. 1105/2009

RAJMANI TIWARI

Petitioner(s)

VERSUS

STATE OF M.P.

Respondent(s)

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

Date: 11/09/2009

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s)

Mr.Rajul Shrivastav,Adv.
Dr. S.K. Verma,Adv.

For Respondent(s)

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

In connection with Crl.M.P. No.8742 of 2009, which had been
filed in this Court against the refusal of bail to the petitioner
by the Addl. Sessions Judge, Umaria, this Court had granted stay of
arrest of the petitioner for a period of three weeks from the date
of the order to enable him to move an application for grant of
regular bail. We are informed that such prayer was made before the
trial Court which dismissed the same. The petitioner filed an
application before the High Court in its revisional jurisdiction

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in Crl. Revision No. 1105 of 2009, which was dismissed by an order
dated 7.7.2009, against which the present Special Leave Petition
has been filed. In this Special Leave Petition, the petitioner has
now prayed for grant of anticipatory bail although his prayer for
regular bail had been refused.

In our view, this is a completely misconceived application
since once the petitioner's prayer for regular bail was rejected,
the question of grant of anticipatory bail does not arise.
course, the facts are such that the petitioner applied for grant of
regular bail without having surrendered in Court.

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In the aforesaid circumstances, we are not inclined to entertain the Special Leave Petition for grant of Anticipatory bail and the same is accordingly dismissed, but if the petitioner surrenders and applies for regular bail, the same may once again be considered and disposed of on merits as expeditiously as possible.

(Kusum Syal)
Sr.P.A.

(Juginder Kaur)
Court Master