

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).6635/2009

(From the judgement and order dated 11/08/2009 in
of The HIGH COURT OF BOMBAY AT AURANGABAD)

CRLA No. 4183/2008

RAMESH & Anr.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ANR.

Respondent(s)

(With appln(s) for stay)

Date: 25/10/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr. Sudhanshu S.Choudhari,Adv.

For Respondent(s)

Mr. M.Y. Deshmukh, Adv.
Mr. Rameshwar Prasad Goyal,Adv.
Ms. Asha Gopalan Nair ,Adv

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

Leave granted.

The impugned order is set aside.
allowed in terms of the signed order.

The appeal is

(DEEPAK MANSUKHANI)
Court Master
(The signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

(RENUKA SADANA)
Court Master

CRIMINAL APPEAL NO. 2060 OF 2010
(Arising out of SLP(Crl.) No. 6635 of 2009)

Ramesh & Anr.

.....Appellants

Versus

State of Maharashtra & Anr.

....Respondents

O R D E R

Leave granted.

The appellants herein were directed to be released on bail vide order dated 5th November, 2008 by the learned Adhoc Addl. Sessions Judge-I, Kandhar, subject to certain conditions to be complied with by the appellants. By the impugned order, the High Court cancelled the bail granted by the Trial Court after a period of more than eight months. The impugned order of the High Court does not state that the appellants herein had violated the terms and conditions of the bail. It is, no doubt, true that it is recorded in the impugned order that the antecedents of the accused are dangerous and hazardous to the community, and they are externed for periods of festival. This finding is obviously based on the assertion made by the State that the appellants are involved in C.R. No. 11/91, C.R. NO. 56/08 and C.R. No. 77/08. The learned Counsel for the appellants produced the copies of the orders under which the appellants were acquitted in all those cases.

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In our considered opinion, the High Court was not justified in cancelling the bail granted by the learned Sessions Court directing the release of the appellants. The impugned order is accordingly set aside. We, however, make it clear that the appellants shall scrupulously comply with the terms and conditions subject to which they were directed to be released on bail by the learned Sessions Court. It is open to the State to file proper petition for the cancellation in case it is found that the appellants had violated the terms and conditions of the bail.

The appeal is accordingly allowed.

The observations made by the learned Sessions Judge and the observations, if any, made by the High Court are confined only for the purpose of bail application and they shall have no bearing whatsoever on the merits of the case.

.....J.
(B. Sudershan Reddy)

.....J.
(Surinder Singh Nijjar)

New Delhi
October 25, 2010.