

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CRIMINAL APPEAL NO(s). 587 OF 2011

BHAVESH RAJENDRABHAI DANI ON BEHALF OF DETENUE Appellant (s)

VERSUS

STATE OF MAHARASHTRA & ORS. Respondent(s)

(With appln(s) for directions and seeking permission to raise additional grounds and office report)

WITH SLP(Crl) NO. 6718 of 2012  
(With appln(s) for interim relief and release of the petitioner and with office report)

Date: 30/04/2014 These matters were called on for hearing today.

CORAM :  
HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE J. CHELAMESWAR  
HON'BLE MR. JUSTICE M.Y. EQBAL

For Appellant(s)  
Mr. Ravindra Keshavrao Adsure, Adv. (NP)  
Mr. Nikhil Jain, Adv.

For Respondent(s)  
Mr. Aniruddha P. Mayee, Adv.

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

Crl. Appeal No. 587/2011

The appeal is disposed of in terms of the signed order.

SLP(Crl.) No. 6718/2012

List the SLP in ordinary course.

(DEEPAK MANSUKHANI) (M.S. NEGI)  
Court Master Assistant Registrar  
(Signed order in Crl. Appeal No. 587/2011 is placed on the file)  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s).587 OF 2011

BHAVESH RAJENDRABHAI DANI ON BEHALF OF DETENUE Appellant (s)

VERSUS

STATE OF MAHARASHTRA & ORS. Respondent(s)

O R D E R

None present to press this appeal.

This appeal has arisen out of a judgment and order dated 23th September, 2010 in Criminal Writ Petition No.2481 of 2010 passed by the High Court of Judicature at Bombay whereby the High Court has dismissed the writ petition challenging the detention order dated 19th December, 2009 passed by the respondents-Authority.

This Court vide order dated 10th December, 2010 while entertaining this appeal has enlarged the appellant on bail by the following order:

"The Constitution Bench in State of Bihar vs. Rambalak Singh & Ors. [1966 3 SCR 344 (Crl.L.J.1076)] has held that bail can be granted by the High Court and ipso facto by this Court as well to a person who has been detained pursuant to a detention order.

The learned counsel also points out that the detenue has almost completed the entire period of detention as that period would be ending on 3rd January, 2011.

In view of the legal issues raised by the learned counsel for the parties and in the light of the fact that we are unable to hear the matter due to winter holidays, we direct that the detenue be released on bail to the satisfaction of the Detaining Authority."

It is evident from the aforesaid order that the appellant has suffered the detention order for a period of more than 11 months and that is why he was enlarged on bail as only 23 days remained to suffer the impugned

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order.

In the facts and circumstances of the case, as the matter has been pending before this Court for several years and no purpose would be served to enter into the merits of the case and particularly when the learned counsel for the appellant himself has chosen not to remain present in the court to press the appeal, we dispose of this appeal observing that the appellant may not be detained for the remaining period.

.....J.  
(Dr.B.S. CHAUHAN)

.....J.  
(J. CHELAMESWAR)

.....J.  
(M.Y. EQBAL)

NEW DELHI  
DATED 30th April, 2014.