

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).9421/2008

(From the judgement and order dated 18/11/2008 in CRLMA No. 10849/2008 of
The HIGH COURT OF GUJARAT AT AHMEDABAD)

CHETANBHAI VASANTIBHAI PATEL

Petitioner(s)

VERSUS

NIRUBHAI CHANABHAI GALANI & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment,exemption
from filing O.T.)

Date: 09/01/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. H.Ahmadi,Adv.

Mr. Praduman Gohil,Adv.

Mr. Milind Kumar,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Heard.

In view of the fact that the High Court has rightly
observed that in case petitioner is arrested, within 10 days he has to
move for regular bail, we are not inclined to interfere. The special
leave petition is dismissed.

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However, it is made clear that if any application for
regular bail is filed, the same shall be considered on merits without
being influenced by the observation of the High Court that this was
a case where protection under Sec.438 of Cr.P.C. is warranted.

[SUMAN WADHWA]
COURT MASTER[SHASHI BALA VIJ]
COURT MASTER