

ITEM NO.1

COURT NO.9

SECTION II

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 (Cr1) No(s).2951/2005

(From the judgement and order dated 28/04/2005 in CRM No. 8217/2004 of The HIGH COURT OF CALCUTTA)

ANIL CHANDRA TARAFDAR

Petitioner(s)

VERSUS

ASHOKA DAS & ANR.

Respondent(s)

(With appln(s) for stay and permission to place addl. documents on record and permission to place

addl.documents on record and permission to file addl. Grounds and placing addl. Facts and

documents on record and office report)

WITH S.L.P(Cr1) NO. 3039 of 2005

(With appln(s) for stay and permission to place addl. documents on record and permission to place

addl.documents on record and permission to file addl. Documents and permis sion to file addl.

Grounds and office report)

S.L.P(Cr1) NO. 3041 of 2005

(With appln(s) for stay and permission to place addl. documents on record and permission to place

addl. Documents on record and office report)

S.L.P(Cr1) NO. 3046 of 2005

(With appln(s) for stay and permission to place addl. documents on record and permission to place

addl. Documents on record and permission to file addl. Grounds and office report)

Date: 01/09/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Rauf Rahim, Adv.
Mr. Mohd. Iqbal, Adv.

For Respondent(s)
Mr. S. Muralidhar, Adv.
Mr. Amit Sharma, Adv.
Mr. Tara Chand Sharma, Adv.
Mr. Rajeev Sharma, Adv.
Ms. Neelam Sharma, Adv.

Contd.2/-

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UPON hearing counsel the Court made the following

O R D E R

We have heard counsel for the parties.

The anticipatory bail granted by the Sessions Judge was set aside by the High

Court by its impugned judgment and order dated 28/04/05.

Having heard counsel for the parties, we are of the view that no interference is

called for by this Court. However, the setting aside of the order granting anticipatory bail

should not prejudice the case of the petitioners herein for grant of regular bail. We,

therefore, direct that in the event of the petitioners surrendering and filing an application for

grant of regular bail within 4 weeks, the court will consider the same on its own merit without

being prejudiced by whatever has been said in the impugned order of the High Court.

Needless to say that it will be open to the petitioners as also to the complainant to

produce such material as is available for the appreciation of the court dealing with the bail

application.

We expect the State to be fair and impartial and to give all necessary assistance

to the court dealing with this matter. We may, however, add that we are not in any manner

disturbing the other directions made by the High Court with regard to certain inquiries to be

made, which are matters distinct from consideration of the anticipatory bail application.

In the event of the petitioners moving bail application/applications, the court

will proceed to consider the same and dispose of the same as expeditiously as possible,

preferably within 2 weeks.

We also direct that copy of the bail application filed, shall be served in

advance on the complainant. is required to

We further direct that if any protection

be given to the complainant, it will be open to the court dealing with the bail application to

pass necessary directions.

The special leave petitions are dismissed with the above observations.

(Vijay Dhawan) (Sheetal Dhingra)

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Court Master

Court Master