

ITEM NO.7

COURT NO.1

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Cr1.) Nos. 4322-4324/2019

(Arising out of impugned final judgment and order dated 11-04-2019 in CRLWP Nos. 1996/2019, 1997/2019 and 1998/2019 passed by the High Court Of Judicature At Bombay)

UNION OF INDIA

Petitioner

VERSUS

SAPNA JAIN & ORS.

Respondents

(FOR ADMISSION and I.R. and IA No.75223/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

Diary No. 15477/2019 (II-A)

(FOR ADMISSION and I.R. and IA No. 74784/2019-CONDONATION OF DELAY IN FILING, IA No. 74785/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.74786/2019-EXEMPTION FROM FILING O.T. and IA No. 74788/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Cr1.) No. 4571/2019 (II)

(FOR ADMISSION and I.R.)

SLP(Cr1.) No. 4546/2019 (II-A)

(FOR ADMISSION and I.R. and IA No.78551/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 29-05-2019 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIRUDDHA BOSE
(VACATION BENCH)

For Petitioner

SLP(Cr1) 4322-4324/2019 & D.No. 15477/2019 Mr. Tushar Mehta, SG
Mr. K.M. Natraj, ASG
Mr. Kanu Agrawal, Adv.
Mr. Rajat Nair, Adv.
Mr. Rupesh Kumar, Adv.
Mr. B. Krishna Prasad, AOR

SLP(Cr1.) 4571/2019 Mr. Mukul Rustogi, Adv.
Mr. Parmatma Singh, AOR
Mr. Mayank Jain, Adv.
Mr. Madhur Jain, Adv.

Mr. Amit K. Nain, AOR

For Respondents

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Abhishek Rastogi, Adv.
Mr. Sanjeev Kumar, Adv.
M/s. Khaitan & Co., AOR

Mr. Tushar Mehta, SG
Mr. K.M. Natraj, ASG
Mr. Kanu Agrawal, Adv.
Mr. Rajat Nair, Adv.
Mr. Rupesh Kumar, Adv.
Mr. B. Krishna Prasad, AOR

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

SLP(CrI.) Nos. 4322-4324/2019, Diary No.
15477/2019 and SLP(CrI.) No. 4546/2019

Delay condoned.

Issue notice returnable in four weeks.

As different High Courts of the country have taken divergent views in the matter, we are of the view that the position in law should be clarified by this Court. Hence, the notice.

As the accused-respondents have been granted the privilege of pre-arrest bail by the High Court by the impugned orders, at this stage, we are not inclined to interfere with the same. However, we make it clear that the High Courts while entertaining such request in future, will keep in mind that this Court by order dated 27.5.2019 passed in SLP(CrI.) No. 4430/2019 had dismissed the special leave petition filed against the judgment and order of the Telangana High Court in a similar matter, wherein the High Court of Telangana had taken a view contrary to what has been held by the High Court in the present case.

Beyond the above, we do not consider it necessary

to observe anything further.

The present matters alongwith other connected matters (SLP(Cr1.) No. 244/2019, W.P. (Cr1.) No. 118/2019, T.C. (Cr1.) No. 3/2018, T.C. (Cr1.) No. 4/2018, SLP(Cr1.) No. 4634/2014, SLP(Cr1.) No. 993/2016, W.P.(Cr1.) No. 309/2018, W.P.(Cr1.) No. 333/2018 and W.P.(Cr1.) No. 34/2019) be listed before a Bench of three Judges.

SLP(Cr1.) No. 4571/2019

Having heard learned counsel for the petitioner and upon perusing the relevant material, we are not inclined to interfere. The special leave petition is accordingly dismissed.

Pending interlocutory applications, if any, shall stand disposed of.

(Deepak Guglani)
Court Master

(Anand Prakash)
Court Master