

"R E P O R T A B L E"

ITEM NO.65

COURT NO.14

SECTION II-C

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.16025/2023

(Arising out of impugned final judgment and order dated 05-12-2023 in MCRCA No. 1434/2023 passed by the High Court of Chhatisgarh at Bilaspur)

KAVISH GUPTA

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH

Respondent(s)

(IA No. 257191/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 257192/2023 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Cr1) No. 16047/2023 (II-C)
(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 257397/2023
FOR EXEMPTION FROM FILING O.T. ON IA 257398/2023
IA No. 257397/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 257398/2023 - EXEMPTION FROM FILING O.T.)

Date : 11-12-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Sidharth Dave, Sr. Adv.(N.P.)
Mr. Sidharth Luthra, Sr. Adv.
Mr. Gaurav Mehrotra, Adv.
Mr. Nadeem Murtaza, Adv.
Mr. Talha Abdul Rahman, AOR
Mr. Prashast Puri, Adv.
Mr. Paavan Awasthi, Adv.
Mr. M. Shaz Khan, Adv.
Mr. Adnan Yousuf, Adv.
Mr. Kartikeye Dang, Adv.
Mr. Sahir Seth, Adv.

For Respondent(s)

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

SLP (Cr1.) No.16025/2023

It is submitted that during the pendency of the application, the petitioner was arrested. In such circumstances, this application has become infructuous.

The Special Leave Petition stands dismissed as having become infructuous. However, it will be open to the petitioner to avail remedy available in the said circumstances by moving appropriate application.

SLP(Cr1) No. 16047/2023

1. This Court held and reiterated that decisions on anticipatory bail applications / bail applications, are concerned with the liberty and therefore, shall be taken up and disposed of, expeditiously. On 21.02.2022 in SLP (Cr1) No.1247/2022, a Bench of three Judges of this Court reiterated the same view. Virtually, this Court deprecated the practice of admitting the bail applications and thereafter deferring decisions on it unduly. The case on hand reveals recurrence of such a situation despite the repeated pronouncements of this Court on the very issue. In the case on hand, the petitioner who is accused No.1 in F.I.R. No.218/2023 of Police Station Vidhan Sabha, Raipur, Chhattisgarh registered under Section 420 read with Section 34 of the Indian Penal Code, 1860. Later, Sections 467, 468, 409 and 471, IPC were

also added. When the application was listed on 06.12.2023 before the Court, the Court passed the following order which reads, thus:-

"Mr. Aman Saxena, counsel for the applicant.

Ms. Hamida Siddiqui, Dy. Advocate General for the State.

Heard.

Admit.

Call for the case Diary.

List this case in its chronological order."

It is aggrieved by the said order that the captioned appeal has been preferred.

2. Heard Mr. Sidharth Luthra, learned Senior Counsel appearing for the petitioner at length.

3. The aforesaid order would reveal that on 06.12.2023, the matter was taken up for consideration and after hearing the petitioner, it was admitted and the case Diary was called for. At the same time, its discernible from the order that the case was not specifically posted to any date. What was ordered was to list the matter in its chronological order. When the matter would be placed before the Court for further consideration, in such circumstances, is nothing but a matter of guess.

4. We have no hesitation to hold that such an order sans definiteness in the matter relating to anticipatory bail/regular bail, that too after admitting the matter, would definitely delay due consideration of the application and such an eventuality will

be detrimental to the liberty of a person. It is taking into account such aspects that this Court held that such matters pertaining to personal liberty shall be taken up and decided at the earliest. It is a matter of concern that despite repeated orders, the same situation continues.

5. Hence, we request the learned Single Judge of the High Court to dispose of the pending anticipatory bail application, pending adjudication before him, on its own merits and in accordance with law, expeditiously and preferably within a period of four weeks from the receipt/ production of this Order. Till such time, we grant interim protection from arrest to the petitioner. We also make it clear that the grant of interim protection shall not influence the consideration of the bail application moved by the petitioner and it shall be considered on its own merits. In view of the recurrence of the said situation in different courts, the Registry shall send a copy of this Order to the Ld. Registrar General and all concerned of all the High Courts so as to ensure listing of bail applications/ anticipatory bail applications at the earliest.

6. The Special Leave Petition stand disposed of, as above.

7. Pending application(s), if any, shall stand disposed of.

(VIJAY KUMAR)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

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

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4. We have no hesitation to hold that this action of indefinite

adjournment in matter relating to anticipatory bail, that too after admitting the matter would definitely detrimental to the liberty of a person. Taking into account such aspects that this Court held that such matters pertaining to personal liberty shall be taken up and decided at the earliest. It is a matter of concerned that despite repeated orders, the same situation continues.

5. We request the learned Single Judge of the High Court to dispose of the pending anticipatory bail application, pending adjudication before him, on its own merits and in accordance with law, expeditiously and preferably within a period of four weeks from the receipt/ production of this Order. Till such time, we grant interim production from arrest to the petitioner. We also make it clear that granting of interim protection shall not influence the consideration of the bail application moved by the petitioner and it shall be considered on its own merits. In view of the recurrence of the said situation, the Registry shall send a copy of this Order to the Ld. Registrar General and all concerned of the High Court so as to ensure listing of bail applications/ anticipatory bail applications at the earliest.

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