

ITEM NO.2

COURT NO.1

SECTION II

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

Miscellaneous Application No.1863/2021 in SLP(Cr1) No. 2091/2021

JITENDRA CHAMPALAL KANUNGO & ANR.

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(FOR ADMISSION and IA No.150960/2021-MODIFICATION)

WITH

MA 1864/2021 in SLP(Cr1) No. 2260/2021 (II)

(FOR ADMISSION and IA No.150891/2021-MODIFICATION)

MA 1865/2021 in SLP(Cr1) No. 3393/2021 (II)

(FOR ADMISSION and IA No.150952/2021-MODIFICATION)

Date : 09-12-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Mr. Basava Prabhu S. Patil, Sr. Adv.

Mr. Shreyas Awasthi, Adv.

Mr. Geet Ahuja, Adv.

Ms. Pratiksha Sharma, AOR

For Respondent(s)

Mr. Ankit Goel, AOR

Mr. Syed Shahid Hussain Rizvi, AOR

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

This Court on 26-10-2021 passed the following Order:-

"Heard Mr. Shekhar Naphade, Mr. Basava Prabhu S. Patil, learned Senior counsel appearing for the petitioners, Mr. Jaideep Gupta, learned Senior counsel appearing for Respondent No.3 at a considerable length and carefully perused the material available on record.

Taking into consideration the fact that the genesis of the present Special Leave Petitions lies in a civil dispute with regard to payment of money by the petitioners to Respondent No.3 and learned Senior counsel appearing for the petitioners has agreed to deposit a sum of Rs.100,00,000/- (Rupees One Crore) within a period of four weeks from today before the concerned Trial Court, we are inclined to grant interim protection from arrest to them, subject to the condition that they shall cooperate with the investigating agency, without fail.

The said amount can be released in favour of the Respondent No.3 subject to the satisfaction of the Trial Court.

The aforesaid arrangement is without prejudice to the rights and contentions of the parties in the criminal proceedings.

With the above observations, the Special Leave Petitions stand disposed of.

In case petitioners fail to deposit the said amount within the stipulated period, as aforesaid, the interim protection granted by us to them today shall automatically revoke.

Pending applications filed in the matters also stand disposed of."

Now, the petitioners have filed applications seeking directions/ modification of Order dated 26-10-2021 passed by us.

It is *inter alia* averred in the applications that at the time of passing the impugned Order, the fact that the charge-sheet had already been filed and the matter was pending before the learned Chief Judicial Magistrate, District Kanpur City, was inadvertently not mentioned before the Court at the time of arguments and in view thereof, the interim protection from arrest granted to the petitioners is made, subject to the condition that they shall cooperate with the investigating agency, without fail. It has further been mentioned in the said application that this Court may,

therefore, be pleased to extend interim protection to the petitioners subject to them extending their full cooperation in the trial which is pending before the learned Chief Judicial Magistrate, District Kanpur City.

Mr. Basava Prabhu S. Patil, learned Senior counsel appearing for the petitioners also prays that instead of interim protection as mentioned in the Order, anticipatory bail may be granted to the petitioners.

In view of the above and taking into consideration the averments made in the applications, we modify the Order dated 26-10-2021 to the extent that instead of interim protection, it shall be read as anticipatory bail is granted to the petitioners, subject to their extending full cooperation in the trial, which is stated to be pending before the learned Chief Judicial Magistrate, District Kanpur City, U.P.

We make it clear that the other contents of the Order dated 26-10-2021 shall remain intact.

Miscellaneous Applications stand disposed of in the afore-stated terms.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)