

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 SPetition for Special Leave to Appeal (Crl.) No.931/2020

(Arising out of impugned final judgment and order dated 21-11-2019 in CRMBA No. 50430/2019 passed by the High Court of Judicature at Allahabad)

RAM ASHREY SINGH KUSHWAHA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(FOR ADMISSION and IA No.20177/2020-EXEMPTION FROM FILING O.T.)
[FOR DIRECTIONS]

Date : 13-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. R. Basant, Sr. Adv.
Mr. Aditya Singh, AOR
Mr. Manu Krishnan, Adv.
Mr. Manish Jauhari, Adv.

For Respondent(s)

Mr. Parmanand Pandey, AOR
Mr. Utkarsh Pandey, Adv.

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

On 7-8-2020, this Court passed the following order:-

"Heard Mr. R. Basant, learned Senior counsel appearing for the petitioner and the learned counsel appearing for the State of U.P.

By an order dated 7-2-2020, this Court issued notice in the matter. Subsequently, by an order dated 10-2-2020 of this Court, interim protection was granted to the petitioner for a period of six weeks.

Taking into consideration the fact that chargesheet has already been filed in the matter, the submissions made by the learned counsel appearing for the parties and perusing the material available on record, as prayed, six weeks' time from today is granted to the petitioner to surrender before the concerned Trial Court. Upon surrender, if the petitioner files an application for regular bail, the said Court is directed to dispose of the same expeditiously on its own merits and in accordance with law.

We make it clear that till the disposal of the regular bail application of the petitioner by the Trial Court, interim protection granted to the petitioner by our order dated 10-2-2020 shall continue to operate.

With the above observation, the Special Leave Petition is disposed of.

Pending application filed in the matter also stands disposed of."

The matter was listed today for clarification.

Having heard Mr. R. Basant, learned Senior counsel appearing for the petitioner and learned counsel appearing for the State of U.P. at length, we are inclined to recall our earlier order dated 7-8-2020 and pass the following order:-

Learned Senior counsel appearing for the petitioner wants to withdraw the Special Leave Petition with liberty to approach the High Court for grant of anticipatory bail in view of the Judgment of the Constitution Bench of this Court in Sushila Aggarwal v. State (NCT of Delhi), 2020 SCC Online SC 98, and seeks four weeks' time for the same.

As prayed, four weeks' time from today is granted to the petitioner to approach the High Court and interim protection granted by this Court on 10-2-2020 shall continue to operate till then.

In view of the request made, the Special Leave Petition is dismissed as withdrawn.

We make it clear that we have not expressed any opinion on the merits of the case and the High Court is requested to dispose of the application for bail on its own merits and in accordance with law.

(VISHAL ANAND)
COURT MASTER (SH)

(RAJ RANI NEGI)
ASSISTANT REGISTRAR