

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(s) for Special Leave to Appeal (Cr1.) No(s). 5224/2023

(Arising out of impugned final judgment and order dated 16-01-2023 in CRLMA No. 825/2023 passed by the High Court of Gujarat at Ahmedabad)

MOHMAD HASNEN MOHMAD HARUN LUHAR

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(FOR ADMISSION and
IA No. 84049/2023 - EXEMPTION FROM FILING O.T.
IA No. 84048/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH SLP(Cr1) No. 5115/2023
(FOR ADMISSION and I.R. and IA No.82496/2023-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.82495/2023-EXEMPTION FROM
FILING O.T.)

Date : 02-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s)

Mr. Devadatt Kamat, Sr. Adv.
Mr. Javedur Rahman, AOR
Mr. Ashraf Ghoghari, Adv.
Mr. Mudassir, Adv.

Mr. Purvish Jitendra Malkan, AOR
Mr. Mohsin Saiyed, Adv.
Mr. Narayan Laxman Rao, Adv.
Ms. Dharita Purvish Malkan, Adv.
Mr. Alok Kumar, Adv.
Mr. Kush Goel, Adv.
Ms. Deepa Gorasia, Adv.

For Respondent(s)

Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.

Ms. Meenakshi Arora, Sr. Adv.
Mr. Mohit D. Ram, AOR
Ms. Monisha Handa, Adv.
Mr. Rajul Shrivastav, Adv.
Mr. Anubhav Sharma, Adv.

Mr. Kailas Bajirao Autade, AOR

Mr. Harin P. Raval, Sr. Adv.
Mr. Raghav Kacker, Adv.
Mr. Siddharth H. Raval, Adv.
Ms. Shrestha Narayan, Adv.
Ms. Shreya Bansal, Adv.
Mr. Aayush Shukla, Adv.
Mr. Yadav Narender Singh, AOR

Mr. Aaftabhusen Altafhusen Ansari, AOR
Ms. Laksha Bhawanani, Adv.

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

It is not in dispute that, as recorded in the earlier order, one of the two petitioners applied before the High Court for interim bail and was granted interim bail. In the application for bail, it is stated that there is no application for bail pending in the High Court or in this Court. Moreover, even the other petitioner applied for temporary bail before the Trial Court. These facts were not disclosed to the advocate for the petitioners by the petitioners and therefore, these facts were never brought to the notice of the Court on 23rd January, 2024 when these petitions were listed before this Court. The petitioners have tendered apology for the said conduct.

www.ecourtsindia.com

We dispose of these Special Leave Petitions by granting liberty to the petitioners to make a fresh application for grant of bail before the Trial Court. As the petitioners have tendered apology for their conduct, the acts of the petitioners of filing applications, as aforesaid, shall not come in the way of the petitioners for consideration of the prayer for bail, if they are otherwise entitled to bail.

www.ecourtsindia.com

We are sure that if a fresh application is made, the Trial Court will decide the same on its own merits and as expeditiously as possible. The Court will also consider the period of custody of the petitioners and the fact that charge sheet has been filed.

www.ecourtsindia.com

Subject to what is observed above, all contentions are left open.

The Special Leave Petitions are disposed of in terms aforesaid.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER