

Munawar vs The State Of Madhya Pradesh on 5 February, 2021

Bench: Rohinton Fali Nariman, B.R. Gavai

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ITEM NO.27 + 36

Court 3 (Video Conferencing)

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S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Writ Petition(s)(Criminal)

No(s). 62/2021

MUNAWAR

Petiti

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respon

(FOR ADMISSION and IA No.13681/2021-STAY APPLICATION and IA
No.13679/2021-GRANT OF BAIL and IA No.13684/2021-EXEMPTION FROM
FILING AFFIDAVIT)

with

SLP (Crl.) No. 1045 of 2021

(for admission and IR and exemption from filing c/c of the impugned
Judgment and exemption from filing OT and exemption from filing
affidavit)

Date : 05-02-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s)

Mr. Vikram Chaudhri, Sr. Adv.
Mr. Saurabh Kirpal, Adv.
Mr. Harshit Sethi, Adv.
Mr. Rishi Sehgal, Adv.
Mr. Rahil Mahajan, Adv.
Mr. Keshavam Chaudhri, Adv.
Ms. Ria Khanna, Adv.
Ms. Anzu. K. Varkey, AOR

For Respondent(s)

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

The learned counsel has pointed out to us that quite apart from the fact that the allegations made in the FIR are vague that the procedure contained in Section 41 Cr.P.C. as adumbrated by our 16:36:34

IST Reason:

Judgment in “Arnesh Kumar Vs. State of Bihar & Anr.”, reported in (2014) 8 SCC 273, has not been followed before arresting the petitioner. This being the case, we issue notice in both the petitions, and stay the Judgment of the High Court. The petitioner is released on ad-interim bail on conditions to the satisfaction of the trial court.

In the meantime, there shall be stay of the production warrants as well.

(JAYANT KUMAR ARORA)
COURT MASTER

(NISHA TRIPATHI)
BRANCH OFFICER