



ITEM NO.301

COURT NO.12

SECTION II-B

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 25725/2023

(Arising out of impugned final judgment and order dated 01-07-2023 in CRLMA No. 14435/2022 passed by the High Court of Gujarat at Ahmedabad)

TEESTA ATUL SETALVAD

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

Date : 01-07-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE DIPANKAR DATTA
(VACATION BENCH)

For Petitioner(s) Mr. C.U. Singh, Sr. Adv.
Ms. Aparna Bhat, AOR
Ms. Karishma Maria, Adv.
Mr. Nizam Pasha, Adv.

For Respondent(s) Mr. Tushar Mehta, SG
Mr. S.V. Raju, ASG
Ms. Swati Ghildiyal, AOR
Mr. Kanu Agrwal, Adv.
Mr. Madhav Sinhal, Adv.

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

1. Heard Mr. C.U. Singh, learned senior counsel appearing for the petitioner and Shri Tushar Mehta, learned Solicitor General of India appearing for the respondent/caveator.

2. This matter has come up before this Court since the Bench of two learned Judges of this Court, vide the order passed of even date, have differed on the question as to whether the

petitioner was entitled to interim protection or not.

3. After the order was passed by the Division Bench, the Hon'ble the Chief Justice of India has constituted a Bench consisting three of us to decide the issue, on which the learned two Judges have differed.

4. This special leave petition challenges the order passed by the learned Single Judge of the High Court today at 11:00 a.m., rejecting the criminal miscellaneous application for grant of bail filed by the petitioner.

5. We are not inclined to go into the merits of the matter. At this stage, we are only concerned with that part of the order wherein the request made by the petitioner for stay of the order for a period of one month was rejected.

6. In ordinary circumstances, we would not have considered such a request. However, it is to be noted that after the FIR was registered against the petitioner on 25.06.2022 and the petitioner was arrested, this Court considering the application for grant of interim bail had granted the same on certain conditions, vide order dated 02.09.2022.

7. One of the factors that weighed with this Court was that the petitioner was a lady and as such entitled to special protection under Section 437 Cr.P.C.

8. We find that, taking into consideration this fact, the learned Single Judge ought to have granted at least some

protection so that the petitioner has sufficient time to challenge the order passed by the learned Single Judge before this Court.

9. In that view of the matter, without considering anything on merits of the matter, finding that the learned Single Judge was not correct in granting even some protection, we grant stay of the impugned order passed by the High Court for a period of one week from today.

10. In the meantime, the Registrar (Judicial) shall obtain orders from Hon'ble the Chief Justice of India and place the matter before an appropriate Bench for considering the Special Leave Petition.

11. Needless to state that the parties would be at liberty to file any pleading, if they so desire, and also place on record the relevant documents.

(NARENDRA PRASAD)
ASSTT. REGISTRAR-CUM-P.S.

(AVGV RAMU)
COURT MASTER (NSH)

ITEM NO.1

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TEESTA ATUL SETALVAD

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

Date : 01-07-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
(VACATION BENCH)

For Petitioner(s) Mr. C.U. Singh, Sr. Adv.
Ms. Aparna Bhat, AOR
Ms. Karishma Maria, Adv.
Mr. Nizam Pasha, Adv.

For Respondent(s) Mr. Tushar Mehta, SG
Ms. Swati Ghildiyal, AOR
Mr. Kanu Agrwal, Adv.

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

After having heard this Special Leave Petition for sometime, we are unable to agree while deciding the prayer for interim relief. Therefore, it will be appropriate if under the orders of the Hon'ble the Chief Justice of India, this petition is placed before the appropriate larger Bench. The Registrar (Judicial) is directed to place this order

immediately before the Hon'ble the Chief Justice of India.

Mr. C.U. Singh, learned Senior Advocate appearing for the petitioner submits that the matter may be placed before the Hon'ble the Chief Justice of India at the earliest so that the Bench can be constituted at the earliest. It is for the Hon'ble the Chief Justice of India to consider that request.

(INDU MARWAH)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)