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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1222/2011**

JAFFAR SADIQ NAYEEM

..... Petitioner

Through

Mr. Sanjeev Sachdeva, Sr. Adv. with
Ms. Smriti Sinha, Mr. Preet Pal
Singh, Ms. Shikha Pandey, Mr.
Abhimanyu Chopra, Advs.

versus

UOI & ORS.

..... Respondent

Through

Mr. Himanshu Bajaj, CGSC/R-1 with
Mr. A.K. Vali, Mr. Karan Bindra,
Advs.
Mr. P.K. Sharma, SC for CBI/R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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06.09.2011

Crl.M.A. 10500/2011

Exemption allowed subject to just exception.

W.P.(CRL) 1222/2011 & Crl.M.A. 10499/2011 (stay)

I have heard the matter at length yesterday and today also. In the present case the Petitioner was granted bail by the Learned Additional Chief Judicial Magistrate, Barrackpore, Kolkata. The matter was taken up before the Hon'ble Division Bench. The Division Bench of the Kolkata High Court observed that once there was an order granting bail by the Additional Chief Judicial Magistrate, Barrackpore the conduct of the CBI in seeking fresh

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warrant of arrest was abuse of the authority. The Petitioner was further directed to appear before the Learned ACMM, Delhi on 5th August, 2011 without fail and was granted bail till that time.

Learned counsel for the Petitioner states that the Petitioner could not appear before the Learned ACMM on the 5th August, 2011 as he suffered from pain in the kidney due to renal stone on the 2nd August, 2011. He further states that in view of the decision of the Hon'ble Division Bench of the Kolkata High Court he may be granted protection and he would appear before the Learned ACMM and file a fresh application for grant of bail.

Learned counsel for the Respondent states that since the matter is now listed on 7th October, 2011 before the Learned ACMM, Delhi the Petitioner may move an application for bail and the Respondents will take no coercive action against the Petitioner till 7th October, 2011.

In view of the statement of the learned counsel for the Respondent no further orders are required to be passed in the present petition.

The petition and application are disposed of.

Order dasti.


MUKTA GUPTA, J

SEPTEMBER 06, 2011
'ga'
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