

[2022 LiveLaw \(SC\) 764](#)

IN THE SUPREME COURT OF INDIA

**AJAY RASTOGI; J., B.V. NAGARATHNA; J.**

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2564/2022; 08-09-2022

**TULSI RAM SAHU versus THE STATE OF CHHATTISGARH**

**Code of Criminal Procedure, 1973; Sections 438, 439 - Bail applications must be decided as expeditiously as possible and not to be posted in due course of time.**

(Arising out of impugned judgment and order dated 03-03-2022 in IA No. 1/2022 in MCRCA No. 258/2022 passed by the High Court of Chhattisgarh at Bilaspur)

*For Petitioner(s) Ms. Sangita Gupta, Adv. Mr. Manish Kumar Gupta, AOR*

*For Respondent(s) Mr. Vishal Prasad, AOR Ms. Ritika Sethi, Adv.*

**ORDER**

The present petition came to be filed assailing the order dated 03.03.2022 where the High Court while dealing with an application seeking anticipatory bail dismissed the interim relief prayed for by the petitioner and while admitting the bail petition posted the matter for final hearing in due course. The order dated 03.03.2022 is extracted hereunder:

“Considering the facts and circumstances of the case, I am not inclined to grant ad-interim bail to the applicant.

Accordingly, I.A. No. 01/2022 is dismissed.

Heard.

Admit.

Call for the records.

State counsel is directed to obtain criminal antecedent of the applicant.

Post the matter for final hearing in due course.

Sd/-

(Deepak Kumar Tiwari)

Judge”

Ordinarily, this Court where there is refusal to grant interim relief is not inclined to interfere but this is somewhat peculiar facts brought to the notice of this Court where the applicant who approached for seeking anticipatory bail the learned Judge of the High Court while admitting the bail petition dismissed the interim relief and posted the matter for hearing in due course.

This is an unusual practice and which this Court has never come across. Earlier also, this practice being followed in the High Court of Chhattisgarh was deprecated by this Court in SLP(Crl.) No. 1247/2022 dated 21.02.2022.

We also disapprove such practice and request the Chief Justice of the High Court to take a judicial note and at least the bail applications whether it is pre-arrest bail or post-arrest bail (under Section 438 or 439 of the Code) must be decided as expeditiously

as possible. Although we are not supposed to give any guidelines for the disposal of the bail applications but at the same time we always expect that bail applications must be decided as expeditiously as possible and not to be posted in due course of time.

It is informed to this Court by the learned counsel for the petitioner that after the interim order was passed by this Court in the present petition, the anticipatory bail has been granted to the petitioner.

In substratum, the instant special leave petition becomes infructuous, which is accordingly dismissed.

Let a copy of this order be sent to the High Court of Chhattisgarh for taking appropriate steps.

Pending application(s), if any, stands disposed of accordingly.

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