

SUPREME COURT OF INDIA

Arvind Mohan Johri

Vs.

State of U.P.

CrI.Mps.Nos.5805-06 of 2005

(S. B. Sinha, B. N. Srikrishna and N. Santosh Hegde JJ.)

12.05.2005

JUDGMENT

S. B. Sinha, J.

1. This application is being entertained on a statement made by the learned Senior Counsel appearing for the applicant that they have surrendered to the bail.

2. This Court as per its order dated 3-11-2004 (*Arvind Mohan John v. State of U.P.*¹) granted bail to the applicants because of the assurance given by the applicants that the entire amount due to the creditors will be made available for distribution amongst them. Subsequently it was found that assurance was not correct because the assets that were shown to this Court were disputed and were not available for distribution. It is based on that fact by our order dated 4-5-2005 (*Arvind Mohan John v. State of U.P.*, we cancelled the grant of bail earlier granted.

3. By this application the applicant prays that his right to move any fresh application for bail on other grounds if any should not be foreclosed. He submits that what is stated in the order dated 4-5-2005 (*Arvind Mohan John v. State of U.P.*) should not be a ground to refuse bail if in law he is otherwise entitled to.

4. We have heard learned counsel for the respondent. We think it appropriate that a modification in our order dated 4-5-2005 (*Arvind Mohan John v. State of U.P.*, is necessary. Therefore, we clarify that while cancelling the bail on 4-5-2005 (*Arvind Mohan John v. State of U.P.*

¹2005 (4) SCC 640