

ITEM NO.12

COURT NO.10

SECTION IIA

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

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 8246/2012
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 17/08/2012
IN CRLA NO. 1148/2011 PASSED BY THE HIGH COURT OF BOMBAY)

ABDUL WAHID ABDUL JABBAR ANSARI

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA Respondent(s)
(WITH APPLN. (S) FOR INTERIM BAIL AND STAY AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

WITH

SLP(CRL) NO. 3072/2013
(WITH OFFICE REPORT)

SLP(CRL) NO. 4464/2013
(WITH APPLN.(S) FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED ORDER
AND OFFICE REPORT)

SLP(CRL) NO. 5412/2013
(WITH OFFICE REPORT)

Date : 22/07/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

SLP(CRL) 8246/12 Ms. Nitya Ramakrishnan, Adv.
Ms. Ria Singh, Adv.
Mr. Asit Kumar Roy, Adv.
Mr. Snehasish Mukherjee, Adv.

SLP(CRL) 3072/13, Ms. Asha Gopalan Nair, Adv.
4464/13, 5412/13 & Ms. Chintu Jain, Adv.
rr in SLP(CRL) 8246/12 Mr. Aniruddha P. Mayee, Adv.

Signature Not Verified

Digitally signed by
Vinod Lakhina
Date: 2014.07.22
19:38:27 IST
Reason:

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For Respondent(s) Mr. Akhil Sibal, Adv.
Mr. Pradeep Chandra, Adv.
Ms. V.S. Lakshmi, Adv.
Mr. A. Venayagam Balan, Adv.

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

SLP(CRL) NOS. 3072/2013, 4464/2013 AND 5412/2013

Considering that the respondents- accused in these cases have been on bail for a period ranging from 3 to 3 = years and there is no allegation of misuse or abuse of the liberty granted, we are not inclined to entertain these Special Leave Petitions any further. They are accordingly dismissed with liberty to the State to approach the learned trial Court for appropriate orders in the event the respondents accused, in any way, misuse the liberty of bail.

The learned trial court is directed to hear the case(s) on day-to-day basis and conclude the trial as early as possible, preferably within a period of six months from today.

All these three Special Leave Petitions stand disposed of in the above terms.

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SLP(CRL.) NO.8246/2012

Leave granted.

The appeal is disposed of in terms of the signed order.

[VINOD LAKHINA]
COURT MASTER

[SNEH LATA SHARMA]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1513 OF 2014

[Arising out of Special Leave Petition (Criminal)
No.8246 OF 2012]

ABDUL WAHID ABDUL JABBAR ANSARI

...APPELLANT

VERSUS

ORDER

Heard learned counsel for the parties at length.

Leave granted.

Though bail was refused to the accused-appellant by the impugned order of the High Court, a period of 12 weeks was granted to the appellant-accused to surrender. This Court by order dated 5th November, 2012 had extended the period of surrender until further orders.

The accused-appellant, therefore, is, as on date, not in custody. All the

remaining accused have been enlarged on bail by the High Court and the Special Leave Petitions filed by the State

of Maharashtra challenging the said order have been

dismissed by separate order passed today. In the case of

the appellant also, there is no allegation with regard to

misuse of the liberty of bail or that he had in any way

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tried to influence the witnesses or otherwise hamper the progress of the trial. The trial which has commenced is

being conducted on a day-to-day basis. The

accused-appellant already suffered custody for a period

of over 8 years.

Taking into account all the aforesaid facts, we

are of the view that the appellant-accused Abdul Wahid

Abdul Jabbar Ansari ought to be enlarged on bail. We,

accordingly, grant bail to the accused-appellant Abdul

Wahid Abdul Jabbar Ansari to the satisfaction of the

learned Additional Special Judge, Greater Bombay in the

Court of Special Judge constituted under Prevention of

Terrorism Act at Mumbai in POTA Case No.2 of 2003.

The learned Additional Special Judge, Greater

Bombay is free to impose appropriate condition(s) as he deems fit.

The State will be at liberty to file appropriate application before the learned trial Court for cancellation of bail in the event the accused-appellant Abdul Wahid Abdul Jabbar Ansari misuses any condition(s) of bail that may be imposed or otherwise

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indulges in commission of any act of influencing the witnesses or coming in the way of a fair trial of the case against him.

A letter dated 11th July, 2014 addressed to Shri Q.S. Rahman, the 2nd Addl. Sessions Judge, Alipore, South-24 Parganas, Kolkata-27 by Shri P.R. Deshmukh, Special Judge under MCOC Act, City Civil & Sessions Court, Gr. Mumbai, requesting for passing of necessary directions/orders to forward one of the accused, namely, Noor Md. Abdul Ansari @ Imam @ Sikander @ Shabaz to the M.C.O.C. Court Room No.55, Bombay for the conduct of the trial in POTA Spl. Case no.2/2003. We expect Shri Q.S. Rahman, the 2nd Addl. Sessions Judge, Alipore, South-24 Parganas, Kolkata-27 will pass necessary orders in accordance with law on the said request.

The appeal is disposed of in the above terms.

.....,J.
(RANJAN GOGOI)

.....,J.
(M.Y. EQBAL)

NEW DELHI
JULY 22, 2014