

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NO. 8353 OF 2010

WITH

CRIMINAL MISCELLANEOUS PETITION NOS. 21247 OF 2010 & 19860 OF 2012
(Applications for bail & deletion of Petitioner No.1 viz. Ram Nath)

Ram Nath & Ors. ... Petitioner(s)

VERSUS

State of U.P. & Ors. ... Respondent(s)

AND

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NOS. 2795-2798 OF 2011

WITH

CRIMINAL MISCELLANEOUS PETITION NOS. 12994-12997 & 7254-7257 OF 2011

(Applications for condonation of delay in filing special leave petitions and bail)

Vishwanath & Ors. ... Petitioner(s)

VERSUS

State of Uttar Pradesh ... Respondent(s)

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 26th September, 2012 when the Court was pleased to pass the following order:

"SLP(Crl) NO. 2795-2798 of 2011:

**Issue notice on the application for
bail returnable within three weeks."**

SLP (Crl.) No. 8353 of 2010

It is submitted that Ms. Pragati Neekhra, Advocate has on 20th December, 2012 filed additional documents with applications for permission to file the same and exemption from filing official translation. Paper book of the same is placed with SLP paper books. Thereafter Mr. Ravi Prakash Mehrotra, Advocate has on 7th January, 2013 filed memo of appearance on behalf of Respondent No.1/State in place of erstwhile Advocate Ms. Pragati Neekhra.

It is further submitted that an application for provisional bail for Petitioner No.2 (Criminal Misc. Petition No. 9087 of 2013) was listed before the Hon'ble Court on 6th May, 2013 when the Court was pleased to pass the following order :

"This is a petition by the petitioner no. 2

(Sh. Raja Ram) for grant of provisional/interim bail, pending the special leave petition for

:2:

admission in this Court, on the ground that his daughter is due to be married on 7.5.2013 and he has to perform rituals of Kanyadaan of his daughter for which his presence is extremely essential.

The matter was posted earlier and the counsel representing the State was directed to verify the correctness of the factual averment made in the application.

Counsel representing the State, Mr. Ravi Prakash Mehrotra, has now informed that he has instructions to say that the daughter of petitioner no. 2 in fact is going to be married on 07.05.2013. It is also stated by the counsel for the State that the petitioner no. 2 had surrendered before the concerned District Authority and filed proof thereof and thus has not given any cause for this Court to doubt his antecedents or intention that he would not surrender in case he is granted provisional/interim bail. We are also informed that the petitioner no. 2 has undergone four years of sentence by now due to which he might be entitled to parole also under the Jail Rules. However, due to paucity of time, he cannot be directed to approach the jail authorities for grant of parole and therefore, we deem it appropriate to enlarge him on provisional bail.

Considering the fact that the daughter of petitioner no. 2 is to be married, we, on humanitarian grounds, deem it appropriate to grant provisional bail to the petitioner no. 2 for a period of two weeks from today and direct that petitioner no. 2 (Sh. Raja Ram) be released on provisional/interim bail in Spl. St. No. 249/99 to the satisfaction of Special Court (SC&ST Act) District Basti forthwith. The petitioner is directed to surrender before the concerned Authorities on 20.5.2013 and shall file adequate proof of surrender in this Court.

In the meantime, the Respondent-State shall ensure that the petitioner no. 2 does not misuse the grant of provisional bail.

The Registry is directed to furnish a copy of this order today itself.

CRLMP.NO. 9087/2013 is allowed in terms of the aforesaid directions."

It is lastly submitted that Counsel for the Petitioner has on 23rd May, 2013 filed an application for extension of period of provisional/interim bail for Petitioner No.2. The application has been registered as Criminal Misc. Petition No. 12113 of 2013 and

listed before the Vacation Bench on 14th June, 2013 when the Court was pleased to pass the following order :

"In view of the fact that the time for provisional bail has expired, Petitioner No. 2 (Raja :3:

Ram) is directed to surrender within a period of one week.

The Criminal Misc. Petition is disposed of accordingly."

Pursuant to the order quoted above, Counsel for the Petitioner has not filed the proof of surrender of the Petitioner No.2 viz. Raja Ram however A compliance report from Special Judge (SC/ST Act), Basti, Uttar Pradesh has been received stating therein that accused viz. Raja Ram, has surrendered on 21st June, 2013 and he was sent to the District Jail, Basti, Uttar Pradesh. Copy of compliance report is enclosed herewith for kind perusal of the Hon'ble Court.

Service of Show Cause Notice is complete.

SLP (Crl.) Nos. 2795-2798 of 2011

Show Cause Notice on the application for bail was issued to the sole Respondent/State through Ms. Pragati Neekhra, Advocate. Thereafter Mr. Ravi Prakash Mehrotra, Advocate has on 7th January, 2013 filed memo of appearance on behalf of sole Respondent/State in place of erstwhile Advocate Ms. Pragati Neekhra.

Service of Show Cause Notice is complete.

The matters above mentioned were listed before the Hon'ble Court on 12th July, 2013 when the Court was pleased to pass the following order:

"In view of the letter circulated on behalf of the petitioners, list after four weeks. "

The matters above-mentioned are listed before the Hon'ble Court with this office report.

DATED this the 13th day of August, 2013.

ASSISTANT REGISTRAR

COPY TO:

1. Mr. Santosh Kumar Tripathi, Advocate
2. Mr. Ravi Prakash Mehrotra, Advocate
3. Mr. V. N. Raghupathy, Advocate

c4/dk

ASSISTANT REGISTRAR