

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO(s). 28 OF 2009

FEROZE VARUN GANDHI Petitioner(s)

VERSUS

DIST.MAGISTRATE PILIBHIT, U.P.& ANR. Respondent(s)

(With appln(s) for stay, permission to file additional documents and office report)

Date: 16/04/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr.Mukul Rohjtagi, Sr.Adv.
Mr.Siddharth Luthra, Sr.Adv.
Mr.R.N.Karanjawala, Adv.
Mrs. Manik Karanjawala, Adv.
Mr.Sandeep Kapur, Adv.
Mrs.Nandini Gore, Adv.
Mr.Mehul Milind Gupta, Adv.
Mr.Shivek Trehan, Adv.
Mr.Saurabh Kirpal, Adv.
Mr.Sandeep Naryan, Adv.
For M/S. Karanjawala & Co.,Adv.

For Respondent(s) Mr.Harish N.Salve, Sr.Adv.
Mr.U.U.Lalit, Sr.Adv.
Mr.Jyotindra Mishra, Adv.Genl.
Mr.Shail Kr.Dwivedi, AAG
Mr. Gunnam Venkateswara Rao, Adv.
Mr.Mahendra Yadav, Adv.
Mr.Manoj Kr.Dwivedi, Adv.
Ms.Vandana Mishra, Adv.

UPON hearing counsel the Court made the following
ORDER

The petitioner herein Feroze Varun Gandhi s/o late Shri Sanjay Gandhi R/o 14, Ashoka Road, New Delhi has been detained under Section 3(2) of the National Security Act pursuant to the

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Order dated 29.3.2009 passed by the District Magistrate, Pillibhit. He is imprisoned at Etah Jail. The petitioner challenged his detention on various grounds which are mentioned in the writ petition. It is stated that petitioner proposes to contest the next election from Pillibhit Parliamentary Constituency

and the date of submitting nomination commences on 17.4.2009. The main reason for his detention is that he made inflammatory speeches on 7th and 8th March, 2009. It is alleged that he delivered an inflammatory speech inciting communal hatred, promoting ill-will between classes and communities and disharmony between groups of communities. As the petitioner proposes to contest the ensuing election and due to the peculiar facts and circumstances it is suggested that the petitioner would be in a position to give an undertaking that he will not make such speeches which would create disharmony between the communities. He is agreed to give such an undertaking. The learned senior counsel appearing for the State has opposed the application for releasing him on parole/temporary bail and submitted that it is likely to create law and order and disturb public order.

However, having regard to the relevant facts, we are inclined to release him on temporary bail/parole initially upto 1.5.2009, on condition that he will make an undertaking before the Superintendent of Jail, Etah, that I, Feroze Varun Gandhi undertake that I will not - 'by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on

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grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings or enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturb the public tranquility; during the period of interim bail/parole.'

On filing such an undertaking, he shall be released on condition that he shall execute a bond for Rs.50,000/- with two solvent sureties for the like amount to the satisfaction of Superintendent of Jail, Etah Dist. Jail, Etah. He shall also furnish his whereabouts to the District Magistrate, Pillibhit. He shall also file a similar undertaking in this Court by 20.4.2009. This interim order is without prejudice to the rights of both the parties.

List on 1.5.2009.

The Registry may communicate this Order to the Superintendent of Jail, Dist. Jail, Etah, U.P.

(R.K. Dhawan)
Court Master

(Veera Verma)
Court Master