



ITEM NO.2

COURT NO.7

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 2008/2023

BABULAL

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(PRAYER FOR BAIL IN CRL. APPEAL NO. 2008/2023 AND IA NO. 247608/2023 IN CRL. APPEAL NO. 2009/2023 FOR GRANT OF BAIL ARE LISTED.

IA No. 68463/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 68464/2023 - EXEMPTION FROM FILING O.T.)

WITH

Crl. A. No. 2009/2023 (II-A)
(FOR GRANT OF BAIL ON IA 247608/2023)

Date : 08-04-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Appellant(s)

Mrs. K. Sarada Devi, AOR
Mr. R.vijay Nandan Reddy, Adv.
Mr. V.krishna Swaroop, Adv.

Mr. Shikhil Shiv Suri, Sr. Adv.
Mrs. Madhu Suri, Adv.
Ms. Jyoti Suri, Adv.
Ms. Vidushi Jain, Adv.
Ms. Wamika Chadha, Adv.
Ms. Vidhi Kapoor, Adv.
Ms. Ishita Ahuja, Adv.
Mr. T. R. B. Sivakumar, AOR

For Respondent(s)

Mr. Abhimanyu Singh, Adv.
Mr. Pashupathi Nath Razdan, AOR
Mr. Shantanu Krishna, Adv.
Mr. Shantanu Singh, Adv.
Mr. Mirza Kayesh Begg, Adv.
Ms. Maitreeyee Jagat Joshi, Adv.

Mr. Astik Gupta, Adv.
Ms. Akanksha Tomar, Adv.
Mr. Argha Roy, Adv.
Ms. Ojaswini Gupta, Adv.
Ms. Ruby, Adv.
Mr. Deepak Raj, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Criminal Appeal No. 2008 of 2023
(Babulal Vs. State of Madhya Pradesh)

1. Heard Mr. Shikhil Shiv Suri, learned senior counsel for the appellant - Babulal in Criminal Appeal No. 2008 of 2023. Also heard Mr. Pashupathi Nath Razdan, learned counsel appearing for the State of Madhya Pradesh.

2. The counsel would point out that the deceased - Tejulal died by stabbing injuries whereas only *Lathi* was attributed in the hands of his client. The counsel would then point out that the appellant - Babulal was on bail during the trial and also while the proceedings were pending in the High Court. Adverting to the evidence of PW-2, the counsel would submit that his client is roped in with the aid of Section 149 IPC although no specific role in assaulting the deceased, is attributed to his client.

3. The postmortem report of the deceased indicates that the deceased sustained fatal stabbing injuries and those were seen as fatal injuries on the deceased. The informant (PW-1) in the case also has not attributed any role to the appellant - Babulal, in the assault on the deceased.

4. Having considered the circumstances and more particularly in the absence of any specific role on the fatal assault on the deceased, we deem it appropriate to grant bail to the appellant -

Babulal notwithstanding the strenuous opposition put-forth by Mr. Pashupathi Nath Razdan, learned counsel appearing for the State of Madhya Pradesh. It is ordered accordingly. Appropriate bail conditions be imposed by the trial court.

Criminal Appeal No. 2009 of 2023
(Mohan Lal Vs. State of Madhya Pradesh)

1. Heard Mrs. K. Sarada Devi, learned counsel for the appellant - Mohan Lal in Criminal Appeal No. 2009 of 2023. Also heard Mr. Pashupathi Nath Razdan, learned counsel appearing for the State of Madhya Pradesh.

2. The counsel would point out that although her client Mohan Lal stands convicted for murder, on the pending appeal, hearing is unlikely to take place on a near date. In the meantime, the appellant - Mohan Lal is in actual custody for last over 12 years. The duration of custody for the appellant - Mohan Lal is accepted by Mr. Pashupathi Nath Razdan, learned counsel for the State of Madhya Pradesh.

3. Having regard to the custodial duration of the appellant - Mahan Lal and the little possibility of the appeal being heard on a near date where leave was granted only on 14.07.2023, we deem it appropriate to grant bail to the appellant - Mohan Lal. The IA No. 247608 of 2023 is allowed accordingly. Appropriate bail conditions be imposed by the trial court.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR