

ITEM NO.23

COURT NO.3

SECTION II-B

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

Criminal Appeal No(s). 511/2015

SAJAL SURESH KUMAR JAIN

Appellant(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

(REF; RECORD OF PROCEEDING DATED 30.10.2018 LIST THESE MATTERS ON 01.11.2018 FOR CONSIDERATION OF BAIL, IA 119900/2018- GRANT OF BAIL)

WITH

Cr1.A. No. 512/2015 (II-B)

Cr1.A. No. 515/2015 (II-B)

Cr1.A. No. 513/2015 (II-B)

Cr1.A. No. 514/2015 (II-B)

Date : 01-11-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE DHANANJAYA Y. CHANDRACHUD

For Appellant(s)  
(Cr1.A.511/2015)

Mr. U.R. Lalit, Sr. Adv.  
Mr. P.H. Parekh, Sr. Adv.  
Mr. Amit Anand Tiwari, AOR  
Mr. Kushagra Pandey, Adv.  
Ms. Yugandhara Pawar Jha, Adv.  
Mr. Kunal Verma, Adv.  
Mr. Mehul Sharma, Adv.  
Mr. Piyush Bharadwaj, Adv.  
Mr. Vishal Anand, Adv.

(Cr1.A.514/2015)

Mr. Sidharth Luthra, Sr. Adv.  
Mr. Awanish Sinha, AOR  
Mr. Chandra Shekhar Yadav, Adv.

(Cr1.A.515/2015)

Mr. P.H. Parekh, Sr. Adv.  
Mr. Himanshu Shekhar, AOR  
Mr. Janmesh Kumar, Adv.

(Cr1.A.512/2015,

Mr. Nikhil Jain, AOR

Cr1.A.513)

For Respondent(s) Mr. D.N. Ray, Adv.  
Ms. Pinky Behra, Adv.  
Ms. Hemantika Wahi, AOR  
Ms. Puja Singh, Adv.

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

We have heard M/s U.R. Lalit, P.H. Parekh, Sidharth Luthra, learned senior counsel and Mr. Nikhil Jain, learned counsel, appearing for the appellants and also Mr. D.N. Ray, learned counsel appearing for the respondent-State of Gujarat.

These appeals are of the year 2015 and they are on Board for the last around three years.

In March this year, this Court had granted interim bail to the appellants for six weeks, apparently hoping that the appeals be heard in the meanwhile. So far, unfortunately, on account of pressure of other matters on priority including the death sentence cases, these appeals could not be heard.

Learned senior counsel appearing for the appellants have brought to the notice of this Court that the date of incident is 1<sup>st</sup> January, 2004 and the mandatory minimum punishment for the offence at that time was 10 years of rigorous imprisonment, extendable upto life.

Since the Court is not in a position to take up the matters for final hearing, on 30<sup>th</sup> October, 2018 the following order was passed:

“List these matters on Thursday i.e. 01.11.2018 in the Miscellaneous list for consideration of bail taking note of the fact that among the five accused

persons, four accused persons have now completed 14 years of actual sentence in jail and one has completed more than 13 years."

Mr. D.N. Ray, learned counsel appearing for the respondent-State, has made available the custody/conduct certificates of the appellants.

There is no dispute that all the accused have completed more than 13 years in custody, except in the case of A-12 who has completed more than 12 years. Regarding the conduct it is seen that all have been pursuing their studies in jail and on account of their good conduct in jail, they have been granted *furlough* also. They are also not involved in any other criminal case.

Having regard to the above circumstances, we are of the view that appellants should be released on interim bail, keeping the matters on Board, though it is vehemently opposed by Mr. D.N. Ray, learned counsel for the respondent-State, inviting court's attention to the nature of the offence for which they are convicted.

Accordingly all the accused-appellants are granted interim bail and be released for a period of three months subject to such terms and conditions as may imposed by the concerned Trial Court, which shall include that the appellants shall report on every Saturday before the Station House Officer (SHO) under whose jurisdiction the accused reside, the accused shall not leave the district of their residence without prior permission from this Court except for attending the hearing of the matter before this Court, if they choose to be present, and they shall not apply

for/renew passport during the pendency of these appeals, without prior permission from this Court.

We make it clear that in case the appellants do not get ready for hearing, without sufficient cause when the matters are called, the interim bail granted to them is likely to be cancelled.

List the appeals immediately on reopening after Diwali Vacation in the Regular Hearing Matters.

(MAHABIR SINGH)  
COURT MASTER

(ANITA RANI AHUJA)  
COURT MASTER