

ITEM NO.3

COURT NO.1

SECTION II

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

Miscellaneous Application No.959/2022 in Miscellaneous Application
No.895/2022 in SLP(Cr1) No.614/2022

ANIL KUMAR SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No.127518/2022 - FOR APPROPRIATE ORDERS/DIRECTIONS; and, IA
No.82507/2022 - FOR INTERIM BAIL)

WITH

MA No.1197/2022 in MA No.895/2022 in SLP(Cr1) No.614/2022 (II)
(IA No.95112/2022 - FOR CLARIFICATION/DIRECTION)

Date : 22-10-2022 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. L.K. Singh, Adv.
Mr. Manoj Singh, Adv.
Mr. Sanjay Kumar Visen, AOR
Ms. Ritu Rastogi, Adv.
Ms. Mohini Kumari, Adv.
Mr. Aman, Adv.

For Respondent(s) Ms. Aishwarya Bhati, ASG
Mr. Rajan Kumar Chourasia, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Vatsal Joshi, Adv.
Ms. Shreya Jain, Adv.
Mr. G.S. Makkar, AOR
Mr. Mukesh Kumar Maroria, AOR

Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Anchit Sripat, Adv.
Mr. Pranab Kumar Nayak, Adv.
Mr. Himanshu Shekhar, AOR

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

Because of medical condition of the petitioner which required immediate attention and surgery for issues arising out of Hernia complications, the petitioner was granted interim bail vide order dated 08.08.2022., which relief he is still enjoying. Medical Certificate dated 16.08.2022 placed at page 85 in I.A. No.127518 of 2022 is to the following effect:

"This is to certify that Mr. Anil Kumar Sharma, 61/m (MRD-MB 21/10924) was diagnosed with Primary Angle Closure in January 2021. Due to lack of follow up, he was reexamined in April 2022 and was found to have deterioration and underwent laser peripheral iridotomy in both eyes. Presently, his visual field has reduced from 100% to 85% in right eye and from 97% to 69% in the left eye. It is to be noted that the loss is visual field in glaucoma is a permanent loss in vision. He has been advised both eyes cataract extraction with iStent inject implantation as a combined treatment for cataract and glaucoma. This is to be done on an urgent basis to prevent further drop in vision. His left eye will be operated first following by right eye within a month. He will need to observe precautions for about 3 weeks post surgery."

Mr. Manoj Singh, learned Advocate submits that for the medical condition referred to in the aforesaid certificate, the 'Left Eye' of the petitioner shall be operated first followed by that of the 'Right Eye' after about a month. The entire process may take about eight weeks or so.

We have been given to understand by Mr. Manoj Singh, learned Advocate for the petitioner that the medical condition having stabilized, the petitioner is now ready to be operated upon. He further submits that the petitioner has been advised to have the operation conducted at Sankara Nethralaya, Chennai and the concerned Specialists have also examined the petitioner.

It is, therefore, submitted that interim bail granted earlier be continued for appropriate period.

Ms. Aishwarya Bhati, learned Additional Solicitor General has no objection to continue the relief for such period as the medical condition of the petitioner may justify. Similar submission is advanced by Mr. M.L. Lahoty, learned Advocate appearing for the flat-buyers.

We, therefore, extend the relief granted earlier vide Order dated 08.08.2022 with following conditions:

- a. The interim relief granted to the petitioner shall continue to operate till eight weeks.
- b. Let the Operation upon the 'Left Eye' of the petitioner be conducted as per the medical advise, as early as possible.

The petitioner shall be entitled to have the Operation conducted at Sankara Nethralaya, if so advised.

- c. The petitioner shall file an affidavit to that effect as early as possible and preferably within five days of the operation.
- d. The matter shall thereafter be listed for further orders before the Bench taking up the Amrapali Matter (i.e. Writ Petition (Civil) No.940 of 2017 etc.).

(MUKESH NASA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER