



ITEM NO.2

COURT NO.12

SECTION II

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

CRIMINAL APPEAL NOS. 280-281/2018

MANI RAM & ORS.

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(IA No. 152136/2021 - EXEMPTION FROM FILING O.T.
IA No. 68891/2019 - EXEMPTION FROM FILING O.T.
IA No. 224214/2023 - GRANT OF BAIL)

Date : 09-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Appellant(s) Mr. Pankaj Sharma, Adv.
Mr. Naveen Kumar Tripathi, Adv.
Ms. Saroj Tripathi, AOR

For Respondent(s) Mr. Shaurya Sahay, AOR
Mr. Shobhit Dwivedi, Adv.

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

I.A. No. 224214/2023:

These appeals take exception to the judgment and order dated 21.12.2016 passed by the High Court of Judicature at Allahabad, in Criminal Appeal Nos.72/1982 and 82/1982.

The appellant/applicant Mani Ram and three other accused were tried for the offences punishable under Sections 302/34 IPC in Sessions Trial No.185/1981 on the file of the III Additional Sessions Judge, Hardoi, Uttar Pradesh and were convicted and

sentenced to life imprisonment *vide* judgment and order dated 27.01.1982. The appeals preferred against the judgment and order of the Trial Court was dismissed by the High Court *vide* impugned judgment. Hence, the instant appeals.

The appellant/applicant Mani Ram is appellant/accused No.1 in Criminal Appeal No.280 of 2018. He has filed the instant Interlocutory Application No.224214 of 2023 seeking bail during the pendency of the instant appeal, on the ground that he has been in custody for a considerable period and that he is suffering from multiple diseases.

This Court *vide* its order dated 14.12.2023, issued the notice on the instant application when the learned counsel for the State accepted notice and sought time to obtain instructions.

On 22.01.2024, the application was again taken up when this Court passed the following order:

"We have heard learned counsel for the respective parties.

The petitioner/applicant-Mani Ram to file an affidavit before this Court indicating the address where he would reside if he has to be released on bail as admittedly he is not married and would have to stay with his relations.

List on 29.01.2024."

On 29.01.2024, the following order was passed by this Court:

"Learned counsel for the petitioner submitted that pursuant to the order dated 22.01.2024, an affidavit has been filed on behalf of the applicant herein and a copy of the same has been served on learned counsel for the State.

Learned counsel for the respondent/State submitted that he would get instructions in the matter. In the meanwhile, the petitioner shall be examined by the Chief Medical Officer, District Hospital, Farrukhabad.

The report of his medical status and condition shall be placed before this Court on or before 07.02.2024.

List on 09.02.2024."

It is submitted that pursuant to the aforesaid order 22.01.2024, the nephew of the appellant/applicant has filed an affidavit stating therein that in case the appellant is released on bail, he will stay at his home in the village Baifaria, Hardoi, Bilgram, Uttar Pradesh.

It is further submitted that pursuant to the aforesaid order dated 29.01.2024, the appellant/applicant has been medically examined and a report in this regard has been forwarded to the Registry by the Chief Medical Officer, Farrukhabad, Uttar Pradesh. The relevant portion of the report reads as under:

"... Presently his mental status is satisfactory and due to old age related General Weakness (GW), COPD, B/L Vision Diminished and Locomotive Disability his physical health status is unsatisfactory. He does his routine work with the help of other prisoners. In future, if the treatment of higher medical Centre will be required patient will be taken care of."

It is a matter of record that the appellant is presently 71 years of age; that he has been suffering from multiple diseases and even for his routine work, he is dependent on other persons; and, that he has already undergone a considerable period of actual imprisonment.

We have heard learned counsel for the appellant/applicant in support of the bail application and learned counsel for the respondent-State.

Considering the facts on record, in our view, the case for bail during the pendency of the instant appeal(s) is made out.

We, therefore, allow this application of the appellant/applicant Mani Ram and direct as under:

"The appellant Mani Ram shall be produced before the concerned Trial Court i.e. the Court of Additional Sessions Judge-III, Hardoi in Sessions Trial No.185 of 1981, as early as possible and the Trial Court shall release him on bail, subject to such conditions as it may deem appropriate to impose to ensure his presence in the instant appeals."

The appellant shall not misuse the liberty in any manner.

Any infraction of the conditions shall entail in cancellation of bail granted to the appellant.

With these observations, the instant Interlocutory Application No.224214 of 2023 is allowed.

(RADHA SHARMA)
COURT MASTER (SH)

(MALEKAR NAGARAJ)
COURT MASTER (NSH)