

ITEM NO.1+13

COURT NO.3  
(HEARING THROUGH VIDEO CONFERENCING)

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

Criminal Appeal Nos.946-947/2019

ASHOK KUMAR SINGH CHANDEL

Appellant(s)

VERSUS

STATE OF U.P.

Respondent(s)

(IA No.82158/2020 - FOR EXEMPTION FROM FILING AFFIDAVIT; and, IA  
No.82156/2020 - FOR INTERIM BAIL)

WITH

Criminal Appeal Nos.1279-1280/2019  
(IA No.88270/2020 - FOR GRANT OF BAIL)

Date : 30-04-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MS. JUSTICE INDIRA BANERJEE  
HON'BLE MR. JUSTICE K.M. JOSEPHFor Appellant(s) Dr. Abhishek Manu Singhvi, Sr. Adv.  
Mr. Shiv Kumar Pandey, Adv.  
Mr. Avishkar Singhvi, Adv.  
Mr. Chandrashekhar A. Chakalabbi, Adv.  
Mr. Awanish Kumar, Adv.  
Mr. Anshul Rai, Adv.  
M/s. Dharmaprabhas Law Associates, AORMs. Bansuri Swaraj, Adv.  
Mr. Arjun D. Singh, Adv.  
Mr. Prem Sunder Jha, AORFor Respondent(s) Ms. Aishwarya Bhati, ASG  
Mr. Rajeev Kumar Dubey, Adv.  
Ms. Harshita Raghuvanshi, Adv.  
Mr. Kamendra Mishra, AORMs. Sonia Mathur, Sr. Adv.  
Ms. Ishita Sinha, Adv.  
Mr. Uday Praksh, Adv.  
Mr. Ramjee Pandey, AOR  
Mr. Raghvendra Shukla, Adv.

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

IA No.82156/2020 In Criminal Appeal Nos.946-947/2019 (Ashok Kumar Singh Chandel v. State of UP); and, IA No.88270/2020 in Criminal Appeal Nos.1279-1280/2019 (Naseem v. State of UP)

While considering instant applications for interim bail preferred by appellants Ashok Kumar Singh Chandel and Naseem, certain directions were issued by this Court in its order dated 09.04.2021, in terms of which these appellants were to be produced before a Medical Board consisting of four medical professionals from King George's Medical University, Lucknow.

According to the papers appended to the Office Report, these appellants were not produced before the Medical Board though the Board was constituted as directed.

Dr. Abhishek Manu Singhvi, learned Senior Advocate appearing for appellant Ashok Kumar Singh Chandel submitted that said appellant was tested COVID positive on 11.04.2021 and though in the subsequent test conducted on 21.04.2021 he was found to be COVID negative, yet no attempt was made to produce him before the Medical Board. Dr. Singhvi referred to some documents indicating the medical condition of his client and submitted that the appellant be extended the benefit of interim bail at least during this second wave of COVID pandemic.

Ms. Bansuri Swaraj, learned Advocate appearing for appellant Naseem submitted that her client was tested COVID positive second time; that the medical certificates on record went to the extent of suggesting that her client be extended the benefit of release; and that co-accused Raghuvir Singh having been given the benefit of

bail on medical conditions, on principle of parity, her client aged about 77 years be extended similar relief.

Ms. Aishwarya Bhati, learned ASG accepted that the concerned appellants were not produced before the Medical Board but submitted that the concerned authorities would now produce them before the Medical Board as early as possible.

Ms. Sonia Mathur, learned Senior Advocate for the complainant reiterated the submissions advanced by Ms. Aishwarya Bhati, learned ASG and also highlighted certain apprehensions of her client.

Considering the documents on record as well as the medical condition of appellant-Naseem, in our view, appellant-Naseem is entitled to the grant of benefit of interim bail for six weeks. Ordered accordingly.

The appellant Naseem shall be produced before the Trial Court within three days from today and he shall be released on interim bail for a period of six weeks subject to such conditions as the Trial Court may deem appropriate, which conditions will *inter alia* stipulate that said appellant shall not in any way, either directly or indirectly, threaten the complainant or any person from complainant's side and that any violation in that behalf shall entail in cancellation of the relief granted in favour of said appellant.

However, at this stage, we do not deem it appropriate to confer similar advantage upon appellant Ashok Kumar Singh Chandel but direct that he shall be produced before the Medical Board within three days from today.

After receipt of an appropriate report from the Medical Board, the matter shall be considered on 07.05.2021.

Since a submission was raised that the complainant's side is being pressurized and though such submission was denied by the learned counsel appearing for appellant Ashok Kumar Singh Chandel, we direct the concerned Superintendent of Police to ascertain whether any adequate police protection can be given to the complainant side and act accordingly.

(MUKESH NASA)  
COURT MASTER

(VIRENDER SINGH)  
BRANCH OFFICER