



ITEM NO.19+49

COURT NO.13

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

Item NO.19

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 9216/2022

(Arising out of impugned final judgment and order dated 26-04-2022 in CRLWP No. 3116/2021 passed by the High Court Of Judicature At Bombay)

GAUTAM NAVLAKHA

Petitioner(s)

VERSUS

NATIONAL INVESTIGATION AGENCY & ANR.

Respondent(s)

IA No. 82165/2023 - APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS

IA No. 176263/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 21343/2023 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 176266/2022 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 116981/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 116983/2022 - EXEMPTION FROM FILING O.T.

IA No. 116980/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 178319/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 144836/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Item No.49

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 167/2024

([TO BE TAKEN UP ALONG WITH SLP(Cr1) No. 9216/2022])

IA No. 2232/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 5005/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 14-05-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Ms. Nitya Ramakrishnan, Sr. Adv.
Mr. Shadan Farasat, AOR
Ms. Warisha Farasat, Adv.
Mr. Ashwath Sitaraman, Adv.
Mr. Harshit Anand, Adv.
Mr. Aman Naqvi, Adv.

Ms. Hrishika Jain, Adv.
 Ms. Natasha Maheshwari, Adv.
 Ms. Mreganka Kukreja, Adv.
 Mr. Abhishek Babbar, Adv.
 Mr. Ishit Patel, Adv.
 Mr. Shadab Azhar, Adv.
 Ms. Stuti Rai, Adv.

For Respondent(s) Mr. Suryaprakash V Raju, A.S.G.
 Mr. Kanu Agrawal, Adv.
 Mrs. Sairica S Raju, Adv.
 Mr. Annam Venkatesh, Adv.
 Mr. Ashutosh Gadhe, Adv.
 Mr. Siddharth Dharmadhikari, Adv.
 Mr. Arvind Kumar Sharma, AOR

Mr. Siddharth Dharmadhikari, Adv.
 Mr. Aaditya Aniruddha Pande, AOR
 Mr. Bharat Bagla, Adv.
 Mr. Sourav Singh, Adv.
 Mr. Aditya Krishna, Adv.
 Ms. Preet S. Phanse, Adv.
 Mr. Adarsh Dubey, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Applications for exemption from filing c/c of
 the impugned judgment, official translation,
 affidavit and permission to file additional
 documents/facts/annexures are allowed.

Leave granted.

For the sake of brevity and convenience, the
 appellant in SLP [Crl.] No.9216/2022 is arrayed as
 such for both the appeals.

Learned Senior Counsel appearing for the
 appellant submits that the appellant has been under
 incarceration for a period of more than four years.
 It is submitted that the charges are yet to be
 framed. Considering the extent of investigation
 conducted so far, even the framing of charges will

take considerable time. There are several witnesses, running up to 370 as cited by the prosecution, and six of the co-accused have already been granted bail by this Court. This Court, despite the objection raised, did not hear the appellant at the time of granting stay, as there were connected matters pending.

Insofar as the demand made for the expenses incurred for the house arrest is concerned, it is submitted by learned Senior Counsel that the same is not sustainable as the question of the permissible limit fixed by taking into account the income of the appellant has not been duly taken note of.

Mr. S.V. Raju, learned ASG appearing for the respondent submits that some of the co-accused have not been granted bail. He further submits that the High Court has committed an error in granting bail by not taking into consideration the relevant material placed before it. The allegations made against the appellant are extremely serious and therefore, the appellant cannot seek parity based on the earlier order passed by this Court in favour of the co-accused. Insofar as the demand made is concerned, it is submitted that it is the appellant who sought for house arrest and therefore, it is not open for him to contend to the contrary.

We have heard learned Senior counsel for the respective parties.

Prima facie, we are of the view that there is no need to extend the interim order of stay as the appellant has been under incarceration for more than four years. Admittedly, the charges are yet to be framed.

Though Mr. Raju, learned ASG vehemently contended that the appellant has been under house arrest, we are not inclined to extend the stay as the High Court, by way of a detailed order, has deemed it fit to grant bail. The Trial Court might take an extremely long time to complete the trial, considering the list of documents and prosecution witnesses relied upon.

Thus, on a *prima facie* view, without going into the respective contentions at length, we are not inclined to extend the stay. We have also taken note of the fact that by way of a detailed judgment, this Court has granted bail to the co-accused. Continuing the house arrest would also lead to unnecessary expenditure.

Insofar as the question of payment is concerned, by way of an interim arrangement, we are inclined to direct the appellant to pay a sum of Rs.20 lakhs within a period of two weeks as directed by this Court on earlier occasion. This amount should be

without prejudice to the respective contentions of the parties.

This amount will have to be paid as a pre-condition before the Trial Court for grant of bail, in addition to the conditions that were imposed by the High Court in the impugned judgment.

Ordered accordingly.

Post the appeals for final hearing on 21.08.2024.

We further make it clear that the appellant shall appear before the Trial Court as and when called upon.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR CUM PS

(POONAM VAID)
COURT MASTER (NSH)