

SLP(Crl.)No. 5352 OF 2002  
ITEM No.60 Court No. 8

SECTION IIA  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 5352/2002

(From the judgement and order dated 20/11/2002 in CRLMA 7388/02  
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

ATTAURREHMAN ABDULREHMAN KURESHI Petitioner (s)

VERSUS

STATE OF GUJARAT Respondent (s)

( With Appln(s). for bail & Office Report )  
( For Final Disposal )

With  
SLP(Crl.)No.16/2003,SLP(Crl.)No.5574/2002,  
SLP(Crl.)No.5708/2002,SLP(Crl.)No.5711/2002

( With applns. for bail & exempt.from filing c/c of the impugned  
judgment and Office Report - For final disposal )

Date : 03/02/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s) Mr. Sushil Kumar, Sr.Adv.  
Mr. Adolf Mathew, Adv.  
Mr. Sanjay Jain, Adv.

For Respondent (s) Ms. Hemantika Wahi, Adv  
Mrs. Sadhna Sandhu, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
.SP2

SLP(Crl.)No.16/2003@@  
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Leave granted.  
The appeal is disposed of.  
SLP(Crl)Nos. 5352,5574 & 5722/2002@@  
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Leave granted.  
Appeals are allowed.

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(S. Thapar) (V.P. Tyagi)  
PS to Registrar Court Master

The signed order is placed on the file.

.PL56  
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.....OF 2003@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(Arising out of SLP(Crl.)No.5352 of 2002)

Atturrehman Abdulrehman Kureshi

Appellant

Versus

State of Gujarat

Respondent

WITH

Crl.Appeal No...../2003 @ SLP(Crl.)No.5574/2002@@  
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Crl.Appeal No...../2003 @ SLP(Crl.)No.5711/2002@@  
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Crl.Appeal No...../2003 @ SLP(Crl.)No.5708/2002@@  
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Crl.Appeal No...../2003 @ SLP(Crl.)No. 16/2003@@  
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O R D E R@@  
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IN Crl.A.No...../2003 @ SLP(Crl.)No.16/2003@@  
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Leave granted.

We have heard learned counsel for the parties.

The appellants have been granted bail in terms of the impugned order of the High Court dated 20th November, 2002. Their grievance is in respect of some of the conditions and stipulation of automatic cancellation of bail without any formal order of the Court. Having gone through the matter and examined the respective contentions, we are of the view that on the facts and circumstances of the case, the stipulation in the impugned order of automatic cancellation of the bail of the appellants is not called for. Therefore, to that extent, condition Nos. 3(i) and 3(ii) are modified. Instead, we direct that in case any appellant violates any condition on which he has been granted bail, it would be open to the State to apply for cancellation. In case such an application is moved, the appellant would, of course, have a right to defend and place before the Court his view point.

Condition in para 3(i) of the impugned order requiring the appellants to mark presence once a week on every Sunday before the nearest concerned police station is also modified. Instead, they would be required to mark their presence on alternate Sundays and not every Sunday. In respect of other conditions, the order is maintained.

The appeal is disposed of accordingly.

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IN Crl.A.Nos...../2003 @@@  
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SLP(Crl.)Nos.5352,5574,5711 & 5708/02@@  
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Leave granted.

The appellants are being prosecuted for offences punishable under Section 3, 10, 13 and 15 of The Unlawful Activities (Prevention) Act, 1967. According to the State, they were found in possession of incriminating documents connecting them with SIMI which has been declared to be carrying unlawful activities under the aforesaid Act. According to the appellants, they were only attending the meeting of All India Minority Education Board. Under Section 10 of the aforesaid Act, the punishment can be extended up to two years besides fine. In respect of other provisions, the High Court in its order dated 4.10.2002 dealing with the case of others who were arrested have expressed doubt whether the

acts of attending the meeting can be treated to be an act within the four corners of Sections 10, 13 and 15 of the Unlawful Activities (Prevention) Act, 1967. The State has not been able to show such adverse incidents of the appellants which may disentitle them to grant bail. The appellants are already in custody for over a year and as above noticed, under Section 10, the maximum punishment is two years.

Having regard to the facts and circumstances of the case, we are of the view that the appellants deserve to be enlarged on bail. Thus, we order accordingly. They are directed to be released on bail on the same conditions as have been imposed by the High Court in the Order dated 20th November, 2002 in Crl.M.P.No.6695 of 2002 subject to the modifications which we have directed in Civil Appeal No..... of 2003 @ SLP(Crl.)No.16 of 2003 today by a separate order as above. We impose on these appellants an additional condition that they would furnish to the police authorities the proof of residence duly verified by the concerned police station/s.

The appeals are allowed in the above terms.

.....J  
(Y.K. Sabharwal)

New Delhi,  
February 03, 2003

.....J  
(H.K. Sema)