



IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2022
(Arising out of SLP (CrI.) No.7844 of 2022)

SIDHIQUE KAPPAN

Appellant

VERSUS

STATE OF UTTAR PRADESH

Respondent

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 02.08.2022 passed by the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in Criminal Miscellaneous Bail Application No.1612 of 2022.

The appellant was taken in custody on 06.10.2020 and since then has been in custody in connection with Crime No.199/2020 registered with Police Station Maanth, District Mathura, Uttar Pradesh in respect of offences punishable under sections 153A, 295A, 120B of the Indian Penal Code, Sections 17 and 18 of Unlawful Activities (Prevention) Act, 1967 and sections 65 and 72 of the Information and Technology Act, 2000.

Notably, charge-sheet has already been filed on 02.04.2021. However, the matter has not been taken up for consideration whether charges need to be framed or not.

The application seeking relief of bail preferred by the appellant having been rejected by the High Court vide judgment and order presently under challenge, the instant appeal has been preferred.

We have heard Mr. Kapil Sibal, learned Senior Counsel for the appellant and Mr. Mahesh Jethmalani, learned Senior Counsel for the respondent State.

We have been taken through some of the documents placed on record. At this stage we refrain from dealing with and commenting upon the progress and investigation and material gathered by the prosecution in support of its case as the matter is still to be taken up at the stage of framing of charges.

However, considering the length of custody undergone by the appellant and in the peculiar facts and circumstances we direct as under :

- A. The appellant shall be produced before the concerned Trial Court within three days from today; and the Trial Court shall release him on bail, subject to such conditions as the Trial Court may deem appropriate to impose to ensure presence and participation of the appellant in the matter pending before it.
- B. It shall be the conditions of bail :
 - i. Upon release, the appellant shall stay in the

city of Delhi and within the jurisdiction of Nizamuddin police Station and shall not leave the city of Delhi without express permission of the trial court; that the appellant shall record his presence in the concerned police station every Monday in a register maintained for the purpose; that this condition shall be applicable for first six weeks from the date of release.

- ii. After six weeks, the appellant shall be at liberty to go back to his native place and stay at Mallapuram in Kerala but shall report at the local police station in similar fashion that is to say on every Monday and mark his presence in the register maintained in that behalf.

C. As permitted by the Trial Court, the appellant shall either in person or through a lawyer attend the proceedings before the trial court on every single date.

D. The appellant shall deposit his passport if not already deposited with the investigating machinery before his actual release.

E. The appellant shall not misuse his liberty in any manner and he shall not be in contact with any person(s) connected with the present controversy in question.

Mr. Kapil Sibal, learned Senior Counsel has pointed out that after his apprehension in the present matter, the proceedings under the Prevention of Money Laundering Act, 2002 have also been initiated against the appellant, in connection of which the appellant may be required to attend the proceedings or to apply for bail.

The appellant shall be entitled to initiate such proceedings and to that extent, the conditions stipulated in direction B above, shall stand relaxed.

With these observations, the appeal is allowed to the extent indicated above.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

New Delhi,
September 09, 2022

ITEM NO.27

COURT NO.1

SECTION II

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 (CrI.) No(s).7844/2022

(Arising out of impugned final judgment and order dated 02.08.2022 in CRMBA No.1612/2022 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

SIDHIQUE KAPPAN

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(With IA No. 121727/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 121728/2022 - EXEMPTION FROM FILING O.T. and IA No. 121729/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 09-09-2022 The matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Haris Beeran, Adv.
Mr. Mushtaq Salim, Adv.
Mr./Ms. Koshy John, Adv.
Mr. Usman Ghani Khan, Adv.
Mr. Azhar Assees, Adv.
Mr. Saiee Godbole, Adv.
Mr. Rishabh Parikh, Adv.
Ms. Rupali Samuel, Adv.
Ms. Pallavi Pratap, AOR

For Respondent(s) Mr. Mahesh Jethmalani, Sr. Adv.
Ms. Garima Prashad, AAG/Sr. Adv.
Ms. Ruchira Goel, AOR
Mr. Shantanu Singh, Adv.
Mr. Ravi Sehgal, Adv.
Mr. Ajay Awasthi, Adv.
Mr. Mughal Pande, Adv.
Ms. Siya Chaudhry, Adv.
Mr./Ms. Wedo Khalo, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, shall also stand
disposed of.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

(Signed Order is placed on the file)