



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2503 OF 2024
(Arising out of S.L.P.(Criminal) No.6392 of 2023)

S. NIJAM ALI @ NIJAM & ANR. ... APPELLANT(S)

VS.

UNION OF INDIA ... RESPONDENT(S)
WITH

CRIMINAL APPEAL NO.2504 OF 2024
(Arising out of S.L.P.(Criminal) No.12077 of 2023)

CRIMINAL APPEAL NO.2505 OF 2024
(Arising out of S.L.P.(Criminal) No.14183 of 2023)

CRIMINAL APPEAL NO.2506 OF 2024
(Arising out of S.L.P.(Criminal) No.5908 of 2024)

O R D E R

Leave granted.

Heard the learned senior counsel appearing for the appellants and the learned Additional Solicitor General appearing for the respondent-Union of India.

It is not in dispute that the appellants in these appeals who are accused Nos. 1, 2, 3, 5, 6, 7, 8, 17 and 18 have undergone incarceration for more than 5 years and 2 months. As far as the progress of the trial is concerned, it now an admitted position that the evidence of all the protected witnesses has been recorded and now about 40 official witnesses remain to be examined.

The learned Additional Solicitor General appearing for the respondent pointed out the antecedents against accused Nos. 3, 17 and 18. He further submitted that the trial can be completed within a maximum period of three months.

We find that the offences registered against accused Nos. 3, 17 and 18 are petty offences. As regards the other accused who have applied for bail, no antecedents have been reported. Considering the way in which the trial has progressed, we are unable to accept the submission that the trial will be completed within a short time. Still 40 official witnesses are yet to be examined. Thereafter, there will be examination of a large number of accused under Section 313 of the Code of Criminal Procedure, 1973.

Considering the allegations against the appellants and factual position, we are of the view that the appellants deserve to be enlarged on bail, till the final disposal of the case. In view of the apprehensions expressed by the learned Additional Solicitor General that the appellants will indulge in tampering with the evidence, appropriate stringent conditions can be imposed by the Trial Court.

We direct that the appellants shall be produced before the Trial Court within a period of one week from today. The Trial Court shall enlarge the appellants on bail till the disposal of the case. The Trial Court will hear the Public Prosecutor on the terms and conditions for grant of bail.

If conduct of the appellants results in delay in trial, it will be open for the respondent to apply for cancellation of bail.

The appeals are accordingly allowed.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
May 10, 2024.

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 6392/2023

(Arising out of impugned final judgment and order dated 28-09-2022 in CRLA No. 381/2022 passed by the High Court Of Judicature at Madras)

S. NIJAM ALI @ NIJAM & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

WITH SLP(Cr1) No. 12077/2023

(IA No. 181976/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 181974/2023 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 14183/2023

SLP(Cr1) No. 5908/2024

(FOR ADMISSION and I.R.and IA No.81741/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 81742/2024-EXEMPTION FROM FILING O.T.)

Date : 10-05-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s)

Mr. Jaideep Gupta, Sr. Adv.

Mr. D.Kumanan, AOR

Mrs. Deepa. S, Adv.

Mr. Prashut Dalvi, Adv.

Mr. Sheikh F Kalia, Adv.

Mr. A. Nowfal, Adv.

Mr. Shereef. K. A, Adv.

For Respondent(s)

Mr. K M Nataraj, A.S.G.

Mr. Sharath Nambiar, Adv.

Mr. Bhuvan Kapoor, Adv.

Mr. Navanjay Mahapatra, Adv.

Mr. Pratyush Srivastva, Adv.

Mr. Rajesh Kumar Singh, Adv.

Mr. Chitransh Sharma, Adv.

Mr. Arvind Kumar Sharma, AOR

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

Leave granted.

The appeals are allowed in terms of the signed order.

The appellants shall be produced before the Trial Court within a period of one week from today. The Trial Court shall enlarge the appellants on bail till the disposal of the case. The Trial Court will hear the Public Prosecutor on the terms and conditions for grant of bail.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)