



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 (Crl.) No(s).10235/2024

(Arising out of impugned final judgment and order dated 01-05-2024 in CR MBA No.10920/2023 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

ABBAS ANSARI

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(IA No.153883/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.153886/2024-EXEMPTION FROM FILING O.T.)

WITH

W.P.(Crl.) No. 380/2024 (X)

(IA No. 204454/2024 - EXEMPTION FROM FILING O.T., IA No.204455/2024 - INTERIM BAIL)

Date : 18-10-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.  
Mr. Nizam Pasha, Adv.  
Mr. Lzafeer Ahmad B. F., AOR  
Mr. Sidharth Kaushik, Adv.  
Mr. Sachin Narayan Dubey, Adv.  
Ms. Awstika Das, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. KM Nataraj, A.S.G.  
Ms. Garima Prasad, A.A.G.  
Mr. Akshay Amritanshu, AOR  
Ms. Priyanka, Adv.  
Mr. Samyak Jain, Adv.  
Ms. Drishti Saraf, Adv.  
Ms. Pragya Upadhyay, Adv.

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

SLP(Crl.) No.10235/2024

1. The petitioner, who is a member of the U.P. State Assembly

from Mau Assembly seat, seeks his enlargement on regular bail in Case Crime No.88/2023 under Sections 387, 222, 186, 506, 201, 120B, 195A and 34 of the Indian Penal Code, 1860 (in short, the "IPC") and Sections 7, 8 and 13 of the Prevention of Corruption Act, 1988 (in short, the "P.C. Act:), besides Section 42(b) & 54 of the Prisons Act, 1894 (in short, the "1894 Act") and Section 7 of the Criminal Law (Amendment) Act, 2013 (in short, the "2013 Act"), registered at Police Station Karvi Kotwali Nagar, District Chitrakoot. The charge-sheet in the above-mentioned case was filed and charges under Sections 387, 506, 201, 120B, 195A, 186, 511 and 34 of IPC and Section 8 of the P.C. Act, Section 42(b) & 54 of the 1894 Act and Section 7 of the 2013 Act have been framed.

2. As per the allegations contained in the FIR, the petitioner was lodged in District Jail, Chitrakoot. His wife has been visiting the petitioner in jail along with driver and co-accused Niyaz. It is alleged that the petitioner used the mobile phones of his wife to threaten the witnesses and officials, who were connected with the prosecution against him. Those mobile phones were also statedly used to extend threats to various persons to extort money etc.

3. The petitioner was already in custody in other cases and was formally arrested in the instant case on 11.02.2023. He applied for bail which came to be declined by the Special Judge vide order dated 14.06.2023 primarily on the ground that the petitioner's wife was carrying two mobile phones which were used by the petitioner for unlawful purposes, as illustrated above. The petitioner thereafter approached the High Court, but vide impugned order dated 01.05.2024, he has been declined the bail *inter alia* on the ground

that he may misuse his position as MLA to influence the witnesses and tamper with the evidences and that the petitioner has criminal history of 10 cases being one under the PMLA. The High Court further observed that two mobile phones were recovered from the petitioner's wife within the jail premises. She could not have access to those phones without the alleged connivance of the jail Authorities.

4. We have heard learned senior counsel for the petitioner as well as learned senior counsel representing the State of Uttar Pradesh and perused the record.

5. Having regard to the fact that the investigation is complete; charge-sheet has already been filed and the petitioner has been in custody for more than 1 ½ years in the instant case and keeping in view the fact that the conclusion of trial will take some reasonable time, however, without expressing any opinion on the merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the Trial Court. The petitioner shall fully cooperate with the trial proceedings and shall remain present in Court on each and every date of hearing unless granted exemption from personal appearance.

6. The special leave petition is, accordingly, disposed of.

7. All pending applications, if any, also stand disposed of.

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8. The instant writ petition has been filed by the petitioner seeking bail in FIR No.556/2024 registered at police station Kotwali, Chitrakoot under Sections 2 and 3 of the Uttar Pradesh

Gangster and Anti-Social (Prevention) Act, 1986.

9. Having heard learned senior counsel for the petitioner and learned Additional Solicitor General of India on behalf of State of Uttar Pradesh, we are of the opinion that let the petitioner first approach the High Court for grant of bail. However, keeping in view the nature of relief and the fact that the petitioner has been incarcerated in some other cases for a reasonably long period, we request the High Court to decide the bail application on priority basis positively within a period of four weeks from the date of filing of such petition.

10. Registry of the High Court is directed to place this order before the Hon'ble Chief Justice of the High Court so that the bail application to be moved by the petitioner can be listed before the appropriate Bench to ensure compliance of the time-line mentioned above.

11. In the event of any delay due to unforeseen circumstances, liberty is granted to the petitioner to approach this Court.

12. The writ petition is, accordingly, disposed of.

13. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)  
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)  
ASSISTANT REGISTRAR