



ITEM NO.6

COURT NO.1

SECTION II-C

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(s).3655/2024

(Arising out of impugned final judgment and order dated 16-02-2024 in CRA No. 1460/2023 passed by the High Court of Chhatisgarh at Bilaspur)

MUKESH SALAM

Petitioner(s)

VERSUS

STATE OF CHHATTISGARH & ANR.

Respondent(s)

(WITH IA No. 64664/2024 - EXEMPTION FROM FILING O.T.)

Date : 30-08-2024 This petition was called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s) Mr. Sameer Shrivastava, AOR
Ms. Yashika Varshney, Adv.
Dr. Sangeeta Verma, Adv.
Ms. Palak Mathur, Adv.
Mr. Piyush Sharma, Adv.
Mrs. Priyanka Shrivastava, Adv.**

**For Respondent(s) Mr. Abhishek Pandey, Adv.
Mr. Prashant Kumar Umrao, AOR**

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

- 1 By the impugned judgment dated 16 February 2024, the petitioner has been denied bail by the Division Bench of the High Court of Chhattisgarh in Criminal Appeal No 1460 of 2023. The appeal under Section 21(4) of the National Investigation Agency Act 2008 was directed against an order dated 1 July 2023 passed by the Special Judge (NIA Act), Kanker, District North Bastar rejecting Bail Application No 132 of 2023.

- 2 The petitioner sought bail in a case arising out of FIR No 9 of 2020 which is registered against him for alleged offences punishable under Sections 10, 13, 17, 38(1)(2), 40, 22-A and 22-C of the Unlawful Activities (Prevention) Act 1967 and cognate provisions of the Chhattisgarh Vishesh Jan Suraksha Act 2005 and the Indian Penal Code 1860.
- 3 A counter affidavit has been filed by the State opposing bail indicating the role which is allegedly attributed to the petitioner.
- 4 From the admitted position on the record, it emerges that:
 - (i) 12 out of 14 persons who are arraigned as accused have been granted bail either by the order of the High Court or, as the case may be, this Court; and
 - (ii) Though the number of witnesses cited at the trial stands reduced from 114 prosecution witnesses to 100, as of date only 40 witnesses have been examined.
- 5 Bearing in mind the above circumstances and the nature of the alleged case, we are of the considered view that the continued detention of the petitioner would not subserve the ends of justice. There is no likelihood of the early conclusion of the trial. The petitioner is in custody since 6 May 2020. We accordingly order and direct that the petitioner be released on bail, subject to such terms and conditions as may be imposed by the Special Judge (NIA Act), Kanker, in connection with FIR No 9 of 2020.
- 6 Among the other conditions which may be imposed by the Special Judge (NIA Act), the following two conditions shall also be part of the order:

- (i) The petitioner shall report to the nearest police station once every week;
and
 - (ii) The petitioner shall remain present before the trial Judge on every date of the trial without fail, unless his presence is dispensed with by the trial Court, and shall cooperate in the early conclusion of the trial.
- 7 The petition shall stand disposed of in the above terms.
- 8 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
ADDITIONAL REGISTRAR

(POOJA SHARMA)
COURT MASTER