

ITEM NO.2

COURT NO.3

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).7857/2022

[Arising out of impugned final judgment and order dated 26-07-2022 in CRMBA No.13762/2021 passed by the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow]

ASHISH MISHRA ALIAS MONU

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

IA No. 167449/2022 - APPLICATION FOR PERMISSION

IA No. 122127/2022 - EXEMPTION FROM FILING O.T.

IA No. 164803/2022 - EXEMPTION FROM FILING O.T.

IA No. 152757/2022 - EXEMPTION FROM FILING O.T.

IA No. 127590/2022 - EXEMPTION FROM FILING O.T.

IA No. 122135/2022 - INTERVENTION/IMPLEADMENT

IA No. 127589/2022 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

IA No. 268558/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

IA No. 122134/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES

Date : 24-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Siddharth Dave, Sr. Adv.
Mr. Pankaj Sharma, Adv.
Mr. Avdesh Chaudhary, Adv.
Mr. Rajeev Dubey, Adv.
Mr. Kshitij Mudgal, AOR
Mr. Shobhit Joshi, Adv.
Ms. Sakshi Gaur, Adv.

For Respondent(s) Mr. Prashant Bhushan, AOR
Mr. Rahul Gupta, Adv.
Ms. Alice Raj, Adv.

Ms. Garima Prashad, Sr. A.A.G.
Ms. Ruchira Goel, AOR
Mr. Sharanya Sinha, Adv.
Ms. Ritika Rao, Adv.

UPON hearing the counsel the Court made the following

O R D E R**I.A. No. 70196/2025**

1. The instant I.A. has been filed by the applicant/petitioner seeking recall of the order dated 25.01.2023, whereby interim bail granted to him and some of the accused in the cross cases was confirmed. The application is confined to the petitioner, alone, alleging that he has misused the concession of bail. Some instances were quoted whereupon we directed the State Police to investigate and submit a Status Report.

2. The prayer to recall the bail order was primarily based upon three allegations, namely:- (i) that the petitioner, regardless of the directions issued by this Court, was present in Lakhimpur Kheri in some public function on 02.10.2024; (ii) there are photographs disclosing his presence in the function; and (iii) some political personalities, close to the petitioner, have tried to influence one of the eye-witnesses.

3. The Superintendent of Police, Lakhimpur Kheri District, Uttar Pradesh has filed a Status Report in which the first two allegations have been found to be false. It is reported that the photographs clipped on 03.10.2021 have been used to wrongly project that the petitioner was present in a function on 02.10.2024. Regarding the earlier recording given by Mr. Prashant Bhushan, learned counsel for the complainant, the report suggests that the conversation was between Mr. Tajinder Singh (a witness in FIR No. 219/2021) and an unidentified person. The police report shows that the conversation is inconsequential for the reason that the examination-in-chief and cross-examination of Mr. Tajinder Singh had already taken place and as such, no occasion arose to influence him.

4. However, Mr. Prashant Bhushan, learned counsel for the complainant, points out that the audio clip, which is handed over, pertains to some conversations between Baljinder Singh, and Amandeep Singh, who is the husband of an office bearer of a political party.

5. In this regard, we grant liberty to Baljinder Singh to

make a complaint to the Police Authorities, which shall be investigated uninfluenced by the conclusions drawn earlier by the police in its Status Report, which is on record. If the Police Authorities find any substance in the complaint, a fresh Status Report shall be filed.

6. Meanwhile, let the trial proceedings continue.

7. We are informed that the case is now fixed before the Trial Court on 16.04.2025. We have impressed upon the learned State Counsel to re-visit the list of witnesses if so required, and prioritize the examination of the eye-witnesses/crucial witnesses. A schedule for the examination of witnesses, in this regard, may be produced before the Trial Court.

8. Issue notice in I.A. No. 70196/2025, returnable on 08.05.2025.

9. Having heard learned counsel for the parties, the applicant/petitioner is permitted to visit his home-town in Lakhimpur Kheri District, Uttar Pradesh on 05.04.2025 to celebrate Ram Navami on 06.04.2025, strictly with his family members and close relatives. Political workers or the public shall not be associated with such celebrations in any capacity. The petitioner is required to return to Lucknow on 07.04.2025 before 5.00 P.M.

10. The conditions already imposed upon the petitioner shall continue to operate till further orders.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR