

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____ OF 2024
(SPECIAL LEAVE PETITION (CRIMINAL) NO.9395/2024)**

STATE OF CHHATTISGARH

APPELLANT(S)

VERSUS

ANWAR DHEBAR

RESPONDENT(S)

O R D E R

1. Leave granted.
2. From paragraph 11 of the impugned order, it appears to us that bail was granted to the respondent on medical grounds. Therefore, we had directed that the respondent shall be examined by the Medical Board of All India Institute of Medical Sciences (AIIMS), Raipur, Chhattisgarh. The Medical Board consisted of doctors from the streams of Surgical Gastroenterology, Nephrology, Urology and General Surgery. The Medical Superintendent of AIIMS was also a part of it. They have opined that as on 10th September, 2024, there is no evidence of medical condition as mentioned in paragraph 7 of the impugned order. In fact, the Medical Board has recorded that the condition of the respondent is stable with no significant

medical ailments.

3. Before considering the case for grant of bail on medical grounds, the High Court ought to have got the respondent examined through a Medical Board of any public hospital.

4. The learned Senior counsel appearing for the respondent contended that the bail was granted not only on medical grounds but also on merits. He pointed out that the submissions were canvassed on merits. Second part of what learned Senior Counsel appearing for the respondent submitted appears to be correct in view of the submissions recorded in the impugned order. But we do not agree that the bail was granted also on merits.

5. The bail granted on medical grounds cannot be sustained. However, the case of the respondent for grant of regular bail on merits will have to be considered.

6. Accordingly, we set aside the impugned order dated 14th June, 2024 and restore the Petition bearing MCRC No.3455 of 2024 to the file of the High Court. The restored petition shall be listed before the Roster Bench of the High Court on 6th December, 2024 in the morning. The parties to this appeal shall be under an obligation to appear before the Roster Bench on that day. The High Court will fix an early date of hearing of the bail application.

In the event, the respondent is enlarged on bail in connection with offence under the Prevention of Money Laundering Act, 2002 (PMLA), we grant liberty to the respondent to apply for interim bail before the High Court.

7. All contentions between the parties are left open insofar as the of bail on merits is concerned.

8. The appeal is accordingly partly allowed.

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

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

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
NOVEMBER 29, 2024.

ITEM NO.38

COURT NO.5

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 for Special Leave to Appeal (Crl.) No. 9395/2024

[Arising out of impugned final judgment and order dated 14-06-2024 in MCRC No. 3455/2024 passed by the High Court of Chhattisgarh at Bilaspur]

STATE OF CHHATTISGARH

Petitioner(s)

VERSUS

ANWAR DHEBAR

Respondent(s)

(IA No. 235687/2024 - EXEMPTION FROM FILING O.T., IA No. 160065/2024 - PERMISSION TO FILE ADDITIONAL, DOCUMENTS/FACTS/ANNEXURES, IA No. 151313/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 151312/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 29-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Mahesh Jethmalani, Sr. Adv.
Mr. Vivek Sharma, A.A.G.
Mr. Ravi Sharma, D.A.G.
Mr. Apoorv Shukla, AOR
Mr. Ajay Awasthi, Adv.
Ms. Prabhleen A. Shukla, Adv.
Ms. Mugda Pandey, Adv.
Mr. Vaibhav Thaledi, Adv.
Mr. Praful, Adv.

For Respondent(s) Mr. Siddhartha Dave, Sr. Adv.
Mr. Arshdeep Singh Khurana, Adv.
Mr. Malak Manish Bhatt, AOR
Ms. Neeha Nagpal, Adv.

Mr. Harsh Srivastava, Adv.
Mr. Mandeep Singh, Adv.
Mr. Sidak Anand, Adv.
Mr. Chetan Nagpal, Adv.

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

Leave granted.

The appeal is partly allowed in terms of the signed
order.

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

(KAVITA PAHUJA)
AR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

[Signed order is placed on the file]