

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2021

(Arising out of SLP(Crl.)No.2717 of 2021)

MOHAMMAD AZAM KHAN

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

WITH

CRIMINAL APPEAL NO. _____ OF 2021

(Arising out of SLP(Crl.)No. 2655 of 2021)

O R D E R

Leave granted.

These appeals take exception to the judgment and order dated 26.11.2020 passed by the High Court of Judicature at Allahabad in Criminal Misc. Bail Application Nos. 27852 and 27990 of 2020 concerning the FIR No.980 of 2019 dated 06.12.2019 registered at P.S: Civil Lines, District Rampur, Uttar Pradesh for offences punishable under Sections 420, 467, 468, 471 and 120 of Indian Penal Code and FIR No. 04 dated 03.01.2019 registered at P.S: Ganj, District Rampur, Uttar Pradesh for offence punishable under Sections 193, 420, 467, 468, and 471 of Indian Penal Code.

After hearing learned counsel for the parties and considering the fact that the investigation in connection with the stated offences has been completed and chargesheet has been filed on 27.05.2020 and that the Trial Court has taken cognizance of the offence, the continued custody of the appellants may not be necessary for the purpose of further investigation and trial.

Indeed, if the appellants are to be released on bail in connection with stated offences, they must abide by all strict conditions as may be imposed by the Trial Court for releasing them on bail in terms of this order, including not to influence the witnesses or tamper with the prosecution evidence, in any manner. However, in view of the apprehension expressed, we direct release of the appellants only after recording of the statement of the informant(s) to be done by the Trial Court not later than four weeks from today.

The prosecution/Investigating Officer must ensure that the informant(s) remains present before the Court on 16.08.2021 when the recording of statement may proceed subject to orders to be passed on discharge application which we are informed is slated to be heard on 11.08.2021.

As aforesaid, the recording of evidence of the informant shall be completed within four weeks from today and compliance report submitted to this Court in that regard within same time period.

The appellants through counsel undertake to extend full cooperation to the Trial Court for recording of evidence of informant(s) within the specified time.

Accordingly, in the facts of the present case, we deem it appropriate to direct release of the appellants (Mohammad Azam Khan and Mohammad Abdullah Azam) on bail on terms and conditions to be imposed by the trial court in connection with FIR No.980 of 2019 and FIR No.04 of 2019, albeit after the statement of informant(s) is recorded by the Trial Court within the time as stipulated.

The appeals are disposed of in the above terms.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(SANJIV KHANNA)

New Delhi;
August 10, 2021.

ITEM NO.4 Court 4 (Video Conferencing) 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 (Cr1.) No(s). 2717/2021

(Arising out of impugned final judgment and order dated 26-11-2020 in CRMBA No. 27852/2020 passed by the High Court of Judicature at Allahabad)

MOHAMMAD AZAM KHAN

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

IA No. 72708/2021 - EX-PARTE BAIL

IA No. 72710/2021 - EXEMPTION FROM FILING AFFIDAVIT

WITH

SLP(Cr1) No. 2655/2021

IA No. 75587/2021 - EX-PARTE BAIL

IA No. 75591/2021 - EXEMPTION FROM FILING AFFIDAVIT

SLP(Cr1) No. 2986/2021

IA No. 75638/2021 - EX-PARTE BAIL

IA No. 75640/2021 - EXEMPTION FROM FILING AFFIDAVIT

Date : 10-08-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
 Mr. Wasim A. Qadri, Sr. Adv.
 Mr. Lzafeer Ahmad B. F., AOR
 Mr. Nizam Pasha, Adv.
 Mr. Jubair Ahmed Khan, Adv.
 Mr. Aditya Samaddar, Adv.
 Mr. Ahmed Ibrahim, Adv.

For Respondent(s) Mr. Suryaprakash V. Raju, ASG
 Ms. Garima Prashad, AAG
 Mr. Ajay Vikram Singh, AOR
 Mrs. Priyanka Singh, Adv.
 Mr. Chandra Shekhar, Adv.
 Mr. Neelambar Jha, Adv.

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

SLP(Crl) Nos. 2717 and 2655 of 2021

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

SLP(Crl) No. 2986 of 2021

At the request of the learned counsel for the parties, list the matter on 17.08.2021.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]