



OUT TODAY

ITEM NO.51

COURT NO.9

SECTION II-B

**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). 15945/2024

[Arising out of impugned final judgment and order dated 29-08-2024 in CRMA No. 1/2023 in R/Criminal Appeal No.607 of 2023 passed by the High Court of Gujarat at Ahmedabad]

ASHUMAL @ ASHARAM

Petitioner(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

(FOR ADMISSION and IA No.264246/2024-EXEMPTION FROM FILING O.T. and IA No.264247/2024-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 07-01-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Devadatt Kamat, Sr. Adv.
Mr. Rajesh Gulab Inamdar, AOR
Mr. Revanta Solanki, Adv.
Mr. Shashwat Anand, Adv.
Mr. Shashi Nagar, Adv.

For Respondent(s) Mr. Tushar Mehta, Solicitor General
Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.
Mr. Ojaswa Pathak, Adv.
Mr. Bhuvan Kapoor, Adv.
Ms. Mili Vaishnav, Adv.

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

We had already made it very clear by our earlier order dated 13.12.2024 that we are not inclined to consider the plea on merits, but only on medical ground.

Learned senior counsel appearing for the petitioner submits that the condition of the petitioner is precarious. The petitioner is stated to be around 86 years of age, suffering from age related ailments and has suffered two heart attacks which are not in dispute. He has been taken in and out of the prison repeatedly on more than 13 different occasions for medical treatment. It is further submitted that even the High Court had granted parole after taking into consideration the medical condition of the petitioner. The affidavit filed by the State would also establish that treatment has been given to the petitioner for heart ailment.

Learned Solicitor General appearing for the respondent submits that though the ailment is not in dispute and so also the age, treatment can be extended in the prison itself, which the petitioner is reluctant to undertake. In any case, considering the facts and circumstances of the case, adequate security will have to be provided to the petitioner. It is further submitted that, on merit, the petitioner does not have a case.

As stated, we are not inclined to go into the merits of the case. The medical condition of the petitioner is not in dispute. It is the concern of the State and this Court to take into consideration

the health condition of the petitioner-convict. In such view of the matter, we have no hesitation in holding that the petitioner does require interim bail on medical ground. The appeal is also of the year 2023. There is also some suggestion of lifestyle changes.

We have also taken note of the medical records pertaining to the petitioner and the fact that he was given periodical treatment outside the prison.

Hence, we deem it fit to grant bail to the petitioner on medical ground till 31st March, 2025.

This order is passed, subject to the condition that the petitioner shall not meet his followers in a group.

There shall be three security personnel in the form of police officers to be present in the vicinity of the petitioner. We make it clear that the police personnel will not interfere with the petitioner's medical treatment, his meeting with any individual and in a normal or lawful conduct.

We further make it clear that the observations made in the impugned judgment on merits will not have any bearing on any future proceedings, including the criminal appeal which is pending before the High Court.

Liberty is also given to the petitioner to approach the High Court for any further need on this

ground.

The Special Leave Petition stands disposed of accordingly.

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

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR