

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.491/2022

(Arising out of SLP [CRL] NO.1451/2022)

SULEMAN

Appellant (s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

O R D E R

Leave granted.

The only issue is whether in a criminal appeal of the year 2012 pending before the High Court of Allahabad where criminal appeals in the normal course are being heard of the 1980s and the appellant having undergone 12 years of actual incarceration is still to be denied bail!

The High Court seems to think so and, to say the least, we completely disagree and are of the view that the bail should have been for the asking and the impugned order is completely unsustainable. The matter does not rest at this as we are told by learned counsel for the appellant that similar cases of incarceration running into more than 16 years are pending consideration even for grant of bail before the Lucknow Bench and the learned counsel submits that there is no

criminal Bench to hear these matters for the last 25 days. This is a disturbing state of affairs, more so as we have been seized with the issue of the pendency of bail matters before the High Court of Allahabad and the Lucknow Bench and had even issued directions in this behalf for expediting the same in *Saudan Singh Vs. State of Uttar Pradesh* (CrI. Appeal No.308/2022) dated 25th February, 2022.

In view of the aforesaid position, while setting aside the impugned order and granting bail to the appellant on terms and conditions to the satisfaction of the trial Court, we consider it appropriate to call a report from the Registrar of the Lucknow Bench of the position of non-availability of a Bench as also how many applications are pending consideration of bail where the appeal is pending consideration and the person incarcerated has spent more than 14 years in actual custody as also cases where they may have been in incarceration for more than 10 years. The report be submitted within four weeks.

The criminal appeal stands allowed in the aforesaid terms.

List on 09th May, 2022 for report on Registrar of the Lucknow Bench. Learned counsel for the State of Uttar Pradesh and the counsel for the appellant to also assist on the next date of hearing.

Copy of the order be sent immediately to the Chief Justice of High Court of Allahabad and to the Registrar, Lucknow Bench.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[M.M. SUNDRESH]

NEW DELHI;
MARCH 25, 2022

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.1451/2022

(Arising out of impugned final judgment and order dated 16-10-2019 in CRL.M.B.A. No.183323/2012 in CrI. A. No.2405/ 2012 passed by the High Court of Judicature at Allahabad)

SULEMAN

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

Date : 25-03-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Mohd. Irshad Hanif, AOR
Mr. Aarif Ali Khan, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Rizwan Ahmad, Adv.
Mr. Danish Sher Khan, Adv.
Mr. Attaur Rehman Siddiqui, Adv.
Mr. Shishir Raj, Adv.
Mr. Nishant Singh, Adv.
Mr. Parvez Ahmad, Adv.

For Respondent(s) Mr. Ajay Vikram Singh, AOR
Mr. Ajay Kumar Prajapati, Adv.
Mrs. Priyanka Singh, Adv.

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

Leave granted.

The criminal appeal is allowed in terms of the signed order.
Pending application(s), if any, stands disposed of.

(RASHMI DHYANI)
COURT MASTER

(POONAM VAID)
COURT MASTER

(signed order is placed on the file)