

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.176/2022

(@ Special Leave to Appeal (Cr1.) No.9286/2021)

ROCKYSINGH JALINDERSINGH KALYANI

APPELLANT(s)

VERSUS

THE STATE OF MAHARASHTRA

RESPONDENT(s)

O R D E R

Leave granted.

We have heard learned counsel for parties.

Learned counsel for the appellant contends that the appellant has been in custody for more than four years and the trial has not commenced. Learned counsel further submits that the appellant is a handicapped person with a jaipur foot who has lost about 12 kgs of weight in custody with the result that even the Jaipur foot does not fit him appropriately. The charges are relating to the NDPS Act, 1985 and on that account coupled with the Maharashtra Control of Organised Crime Act, 1999 ('MCOAct').

The counter affidavit appears to be silent on the issue of whether the trial has commenced or not. Learned counsel for the State fairly states that possibly the trial would not have commenced. He, however, opposes the bail application on the ground that the provisions of MCOC Act have been invoked as the appellant was found connected with a syndicate of Aarti Misal, who is stated to be in custody. There is no other case as per the affidavit against the appellant except an old case under Section 307/324 of IPC.

In view of the aforesaid facts and circumstances and looking to the fact that the trial is even yet to commence, the appellant is in custody for four years, the period of custody itself would logically give a break from the syndicate the head of which is in custody, looking at the physical condition of the appellant, we are inclined to grant bail to the appellant on terms and conditions to the satisfaction of the trial Court. We are granting the bail to the appellant in the given facts of the case not to be treated as a precedent for the other co-accused.

Apart from any other condition, the appellant will report to local Police Station on alternate Mondays in the forenoon. We make it clear that if the appellant is found indulging in trade of drugs or any other offence is detected against him, the prosecution will be at liberty to move for cancellation of bail of the appellant before the Trial Court itself which

would be entitled to cancel the bail in such eventuality.

The Criminal appeal stands allowed accordingly.

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

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

New Delhi;
03rd February, 2022.

ITEM NO.2 Court 6 (Video Conferencing)

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No.9286/2021

(Arising out of impugned final judgment and order dated 31-07-2021 in CRL. Bail Appln. No.434/2020 passed by the High Court of Judicature at Bombay)

ROCKYSINGH JALINDERSINGH KALYANI

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

Date : 03-02-2022 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. Sudhanshu S. Choudhari, AOR

For Respondent(s) Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

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

Leave granted.

We have heard learned counsel for parties.

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)