

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

**Criminal Appeal Nos 507-508 of 2020
(Arising out of SLP(CrI) Nos 3581-3582 of 2020)
(Arising out of SLP(CrI) Diary No 14355 of 2020)**

Shadab Siddiqui

...Appellant (s)

Versus

The State of West Bengal

...Respondent (s)

ORDER

- 1 Leave granted.
- 2 The appellant has been convicted of an offence under Section 364A of the Indian Penal Code 1860 and sentenced to imprisonment for life.
- 3 Criminal Appeal No 268 of 2018 filed by the appellant against the judgment of conviction is pending before the High Court of Calcutta. Aggrieved by an order of the High Court declining to suspend the sentence, the appellant moved this Court in SLP(CrI) Nos 492-493 of 2020. This Court dismissed the Special Leave Petitions on 1 April 2020 with the following order:

“Relying on the order of the Calcutta High Court dated 20 February 2020, Ms. Liz Mathew, learned counsel appearing on behalf of the State of West Bengal has submitted that the arguments in the criminal appeal filed by the petitioner have been heard in full. The appeal has been posted for hearing of the other appellants.

Since the High Court is seized of the criminal appeal which is being heard, we are not inclined to entertain the Special Leave Petition. Even otherwise on merits, we see no reason to interfere with the view of the High Court declining to suspend the sentence.

The Special Leave Petitions are dismissed.

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

- 4 Following the order of this Court, the appellant once again applied for bail before the High Court of Calcutta. The High Court declined to entertain the application for bail on 23 April 2020 though with the direction that in the event that the appellant seeks to visit his ailing father in connection with any medical procedure to be performed on him, the jail authorities should consider the request favourably. This order was passed in CRAN 1401 of 2020.
- 5 The appellant moved an application for parole on 19 May 2020 on the ground that his father suffers from a serious heart ailment which requires medical attention. The application had not been disposed of. Hence, this Court issued notice on 29 July 2020. The Standing Counsel was requested to take instructions on the status of the parole application.
- 6 Ms Liz Mathew, learned counsel appearing for the State of West Bengal, has, on instructions, stated that the application for the grant of parole was rejected on 27 May 2020 since the appellant had sought ninety days' parole, whereas a maximum of thirty days is provided under the applicable rules.
- 7 We have perused the medical record which has been annexed at Annexure P-11 of the paper book. The Court has also been apprised of the fact that though the arguments of the appellant were heard in the criminal appeal, the final hearing could not be concluded as a result of the lock down which took place following the onset of Covid-19. Ms Anitha Shenoy, learned senior counsel appearing on behalf of the appellant, has apprised the Court of the fact that the appellant has been in custody for twelve years and four months and except for a period of two hours, he did not have any benefit of parole or interim bail during the entire period of incarceration.

8 Having regard to the fact that the aged father of the appellant requires urgent medical attention, we are of the view that the appellant should be granted interim bail for a period of three months.

9 Accordingly, we direct that the appellant shall be granted interim bail for a period of three months, subject to such terms and conditions as may be fixed by the City Sessions Court, Calcutta in Sessions Case No 35 of 2011. The period of three months shall operate with effect from the date of release of the appellant on interim bail.

10 The appeals are accordingly disposed of.

11 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[K M Joseph]

**New Delhi;
August 06, 2020**

ITEM NO.15 Court 4 (Video Conferencing) SECTION II-B

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 14355/2020

(Arising out of impugned final judgment and order dated 23-04-2020 in CRAN No. 1399/2020 and 23-04-2020 in CRAN No. 1401/2020 passed by the High Court at Calcutta)

SHADAB SIDDIQUI

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL

Respondent(s)

(WITH IA No. 64729/2020 - EXEMPTION FROM CUSTODY CERTIFICATE, IA No. 64726/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 64723/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 06-08-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Ms. Anitha Shenoy, Sr. Adv.
 Mr. Abishek Jebaraj, AOR.
 Ms. Srishti Agnihotri, Adv.
 Ms. Debapriya Mukherjee, Adv.
 Ms. Nupur Raut, Adv.
 Ms. Sanjana Grace Thomas, Adv.

For Respondent(s) Mr. Suhaan Mukerji, Advocate
 Ms. Liz Mathew, Advocate
 Mr. Abhishek Manchanda, Advocate

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

- 1 Leave granted.

- 2 we direct that the appellant shall be granted interim bail for a period of three months, subject to such terms and conditions as may be fixed by the City Sessions Court, Calcutta in Sessions Case No 35 of 2011. The period of three

months shall operate with effect from the date of release of the appellant on interim bail.

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

4 Pending applications, if any, stand disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)