

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 1421-1422 OF 2021  
(Arising out of SLP(Cr1.) Nos.7925-7926/2021)

R. RAJAN ETC. ...APPELLANT(S)

VERSUS

THE STATE OF U.P. ...RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

The appellants (R.Rajan and Shankhadhar Dwivedi) have been named as accused in a case regarding custodial death.

The argument of the appellant(s) before this Court is that the unfortunate incident in question took place in the year 1997, whereafter multiple enquiries were set up, including by the Human Rights Commission and Magisterial enquiry. No irregularity much-less complicity of the appellant(s) had been noticed in those enquiries. Even in reference to the complaint in question a closure report was filed by the police who had investigated the case. The case,

however, has been kept alive because of the protest petition. The fact remains that until 15.04.2021, the appellant(s) were neither arrested nor required to be arrested since 1997. No direction has been given by the Court of competent jurisdiction for further investigation.

The evidence in the form of post-mortem report indicates that the deceased had sustained injuries on the back of his thighs. That could not have resulted in his death. Whereas, the medical evidence indicates that deceased died due to heart ailment.

The complainant is relying on the affidavit dated 04.06.1997 of Chandrabali Yadav @ Kariya, Annexure CA-8, appended to the reply affidavit before the Court of VII Addl. Chief Judicial Magistrate in Case Crime No. 37 of 1997.

To counter this affidavit, counsel for the appellant(s) points out that the same person had given a different statement during the Magisterial enquiry in March, 1997, in which no involvement of the appellant(s) much-less commission of offence is set out. Further, the stated person has been declared absconder in case pending before the Court

of Judicial Magistrate, First Class, Sahadol, Madhya Pradesh being case No. 893 vide order dated 31.01.2007 and is not traceable since then.

Taking overall view of the matter, we direct immediate release of the appellant(s) on bail on such terms and conditions, as may be directed by the Trial Court in connection with F.I.R. No.148 of 1997, registered at police station Phoolpur, Varanasi (U.P).

It will be open to the complainant to insist for imposing stringent conditions, to be imposed on the appellant(s) for release on bail in terms of this Order.

We direct the Investigating officer to ensure that complete cooperation is given to the trial Court for expeditious progress of the case.

The appeals and pending applications are disposed of accordingly.

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

....., J.  
(C.T. RAVIKUMAR)

NEW DELHI  
NOVEMBER 18, 2021

**ITEM NO.17**

### Court 3 (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).7925-7926/2021**

(Arising out of impugned final judgment and order dated 09-09-2021 in CR MBA No. 26585/2021 09-09-2021 in CR MBA No. 27251/2021 passed by the High Court Of Judicature At Allahabad)

**R. RAJAN ETC.**

**Petitioner(s)**

## VERSUS

**THE STATE OF U.P.**

Respondent (s)

**(FOR ADMISSION and I.R. and IA No.133494/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.133493/2021-EXEMPTION FROM FILING O.T. and IA No.133495/2021-PERMISSION TO FILE LENGTHY LIST OF DATES**

**Date : 18-11-2021** These matters were called on for hearing today.

**CORAM :**

**HON'BLE MR. JUSTICE A.M. KHANWILKAR**

**HON'BLE MR. JUSTICE C.T. RAVIKUMAR**

**For Petitioner(s)**      \*Ms. Meenakshi Arora, Sr. Adv.  
Mr. Vikas Upadhyay, AOR

**For Respondent(s)**     Mr. Garvesh Kabra, AOR  
                                      Mr. Manish Raghav, Adv.

Mr. Divyesh Pratap Singh, AOR  
Ms. Shivangi Singh Adv  
Mr. Vikram Pratap Singh Adv  
Ms. Ishita Bedi, Adv.

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

I.A. No.146675/2021 - Application seeking permission for amendment of memo of Parties is allowed.

**Leave granted.**

**The appeals and pending applications are  
disposed of in terms of the signed order.**

**(NEETU KHAJURIA)  
COURT MASTER**

**(VIDYA NEGI)  
COURT MASTER**

**(Signed order is placed on the file.)**

\*Appearance not received.