



S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION(CRIMINAL)..... Diary No(s).14377/2024

ABBAS ANSARI

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

Date : 09-04-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Nizam Pasha, Adv.
Mr. Lzafeer Ahmad B. F., AOR
Mr. Sidharth Kaushik, Adv.

For Respondent(s) Ms. Garima Prasad, Sr. Adv. (AAG)
Mr. Shaurya Sahay, AOR
Mr. Shobhit Dwivedi, Adv.

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

1. In the instant writ petition, filed under Article 32 of the Constitution of India, the petitioner, who is detained in District Jail, Kasganj, Uttar Pradesh, initially sought interim bail in FIR/Crime Nos.(i) 88/2023, Police Station Karvi, Chitrakoot, (ii) 400/2023, Police Station Kotwali, Ghazipur, (iii) ECIR/ALSZO/27/2021, Police Station Enforcement Directorate, Allahabad and (iv) 79/2024, Police Station Karvi Kotwali, Chitrakoot.

2. The interim bail was sought primarily for the purpose of attending the funeral ceremony of the petitioner's father Late Mukhtar Ansari, who died on 28.03.2024. When the writ petition came up for hearing on 05.04.2024, it was fairly stated by learned

counsel for the petitioner that the funeral rights of his father were over but he sought to amend the writ petition so as to enable him to attend the Fatiha ritual, which is scheduled to be held tomorrow i.e., 10.04.2024. Notice was accordingly issued. The State of Uttar Pradesh is present and a note of submissions on its behalf has been filed, which is taken on record.

3. In the note of submissions, it is *inter alia* pointed out that the petitioner is involved in multiple criminal cases; he is a history-sheeter with over 11 cases pending against him and in the event of grant of interim bail, there is likelihood of threatening of witnesses and/or causing other law and order problems. A pointed reference is made to the alleged unlawful activities of the petitioner while in jail and the reasons which compelled the authorities to shift him from Chitrakoot jail to Kasganj jail.

4. We have taken note of the averments made in the note of submissions as also the apprehension expressed by the State Authorities. Learned senior counsel(s) for the parties have been heard.

5. The fact that the petitioner has lost his father on 28.03.2024 is not in dispute. The petitioner could not attend the funeral rights as he was in judicial custody. The petitioner in the application for amendment of the writ petition as well as during the course of oral hearing on 05.04.2024 and again today, has specifically averred that the Fatiha ritual is fixed for tomorrow i.e., 10.04.2024. In such circumstances, we see no reason to deny the petitioner to attend the Fatiha ritual which is fixed for tomorrow i.e., 10.04.2024.

6. As regard to the apprehension of maintenance of law and order, we deem it appropriate to issue the following directions:

(i) The petitioner shall be taken from Kasganj jail to his home town Ghazipur in police custody and with adequate security. The Director General of Police, Uttar Pradesh is directed to do the needful in this regard. Keeping in view the distance between the two places, it is directed that the police authorities in coordination with jail authorities will ensure that the petitioner starts his journey today at the earliest but not later than 5 p.m.

(ii) The petitioner shall be allowed to participate in tomorrow's ritual in police custody. After completion of tomorrow's rituals, the petitioner may be temporarily shifted to local jail i.e., Central Jail, Ghazipur.

(iii) Meanwhile, the District Administration, Ghazipur shall verify that if there is other rituals to take place from 11th onwards, the petitioner may be allowed to participate in such rituals while in police custody. If there are no rituals, the petitioner shall be allowed to meet his family members, relatives and other visitors for two days i.e., 11.04.2024 and 12.04.2024.

(iv) In order to further ensure that no untoward incident take place, police authorities are directed to frisk the visitors and ensure that no weapons etc. are carried by anyone, even an authorized weapon, at the place where the Fatiha ritual is take place or at the petitioner's parental residence.

7. We make it clear that the Director General of Police, Uttar Pradesh will ensure that adequate and appropriate security arrangements be made for the upward and downward journey of the

petitioner from Kasganj jail to Ghazipur jail and again Ghazipur to Kasganj jail, as well as during his stay at Ghazipur.

8. The petitioner shall be brought back to the Kasganj jail on 13.04.2024.

9. Mr. Kapil Sibal, learned senior counsel has in all fairness stated that during this period the petitioner will not address any print or electronic media and he will only spend time with his family members.

10. The above directions shall be complied with by the Enforcement Directorate as well.

11. With the above directions, the writ petition is disposed of.

12. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(PREETHI T.C.)
COURT MASTER (NSH)