



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2024
(@ SLP(CRL.) No. 5590/2023)

M. SIVASANKAR

APPELLANT(S)

VERSUS

UNION OF INDIA & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Learned senior counsel for the appellant submitted that bail is being sought for both on medical ground and on merit. It is further submitted that there is not much of difference between the earlier compliant and the present one. He has further submitted that the medical report clearly indicates that there is need for bail on medical ground. The appellant has been on bail even before this Court from August, 2023 onwards.
3. Mr. Zoheb Hussain, learned counsel appearing for the respondents submitted that even on the earlier occasion, despite obtaining bail on medical ground, the appellant rejoined duty. He did not undergo any treatment. It is further submitted that the earlier compliant was different and, therefore, the said contention raised by the learned senior counsel for the appellant is not correct.
4. By way of rebuttal, learned senior counsel appearing for the appellant submitted that the appellant did not have any choice expect to rejoin the duty as his request for voluntary

retirement was rejected.

5. We are considering the arguments submitted by both the sides. Suffice it is to state that the appellant is entitled for bail. He has been granted interim bail from August, 2023 onwards. The report of the Department of PMR, JIPMER, Pondicherry, as directed by us, indicates the physical condition of the appellant. The report further states that there may be a case for surgical procedure.
6. Thus, without going into merits of the contentions raised by both sides, we are inclined to grant bail to the appellant on medical grounds subject to the conditions that may be imposed by the Trial Court.
7. Accordingly, the impugned order stands set aside and the appeal is allowed.
8. Pending application(s), if any, shall also stand disposed of.

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

.....J.
[S.V.N. BHATTI]

NEW DELHI;
19th JANUARY, 2024

ITEM NO.3

COURT NO.14

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5590/2023

(Arising out of impugned final judgment and order dated 13-04-2023 in BA No. 2166/2023 passed by the High Court of Kerala at Ernakulam)

M. SIVASANKAR

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(IA No. 89891/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-01-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Jayanth Muth Raj, Sr. Adv.
Mr. M.P. Srivignesh, Adv.
Mr. Manu Srinath, Adv.
Mr. Lakshman Raja. T, Adv.
Mr. Sharavena Raghul Asr, Adv.
Mr. Mithun Kumar N, Adv.
Mr. A. Selvin Raja, AOR

For Respondent(s) Mr. Tushar Mehta, Solicitor General (N.P.)
Mr. K.m. Nataraj, A.S.G.(N.P.)
Mr. Zoheb Hussain, Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Rajat Nair, Adv.
Mr. Adit Khorana, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Arkaj Kumar, Adv.

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

Leave granted.

The relevant portion of the order reads as under:-

'Thus, without going into merits of the contentions raised by both sides, we are inclined to grant bail to the appellant on medical grounds subject to the conditions that may be imposed by the Trial Court.'

The appeal is allowed in terms of the signed order.

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

(SWETA BALODI)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)