

ITEM NO.19+20

COURT NO.5

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

IA 80949/2022 in Criminal Appeal Nos. 701-702/2020

ENFORCEMENT DIRECTORATE GOVERNMENT OF INDIA

Appellant(s)

VERSUS

KAPIL WADHAWAN & ANR.ETC.

Respondent(s)

(IA No. 80949/2022 - GRANT OF BAIL)
[TO BE TAKEN UP AT 10:30 A.M.]

IA 81009/2022 in SLP (CrI.) Nos. 2105-2106/2021
(IA No. 81009/2022 - GRANT OF BAIL)
[To be taken up alongwith CrI. A No. 701-702/2020]

WITH

IA No. 81011/2022 in SLP(CrI) No. 2111-2112/2021
(IA No. 81011/2022 - GRANT OF BAIL)

Date : 03-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Appellant(s)

Mr. S. V. Raju, ASG.
Mr. Zoheb Hussain, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Rajat Nair, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Ms. Sairica Raju, Adv.
Mr. Anam Venkatesh, Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Arvind Kumar Sharma, AOR
Mr. Guntur Pramod Kumar, Adv.

For Respondent(s)

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Amit Desai, Sr. Adv.
Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. Mahesh Agarwal, Adv.

Mr. Ankur Saigal, Adv.
Mr. Rohan Dakshini, Adv
Mr. Shubham Kulshreshtha, Adv.
Ms. Pooja Kothari, Adv.
Ms. Urvi Gupte, Adv.
Ms. Kajal Dalal, Adv.
Ms. Kamakshi Sehgal, Adv.
Ms. Shivani Kakumanu. Advocate
Mr. Ananvay Anadhvardhan, Advocate
Ms. Shivali Choudhary, Advocate
Ms. Kamakshi Sehgal, Advocate
Mr. E. C. Agrawala, AOR

Mr. Aaditya Aniruddha Pande, AOR

Mr. Sarad Kumar Singhania, AOR

Mr. Amit K. Nain, AOR

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

I.A. No. 80949/2022 in Criminal Appeal Nos. 701-702/2020

This is an application filed by applicant-respondent No. 3 in the appeals seeking bail on medical grounds.

We have heard Shri Mukul Rohatgi, learned senior counsel on behalf of the applicant. We have also heard Shri S.V. Raju, learned Additional Solicitor General on behalf of the appellant-Enforcement Directorate.

Shri Mukul Rohatgi, learned senior counsel, would take us through the medical reports of the applicant-respondent including the report of the medical officer of the Tihar Jail, Delhi where the applicant is presently lodged.

He would canvass for the immediate release of the applicant on medical bail on grounds which he contends are supported by various medical reports. According to him, he suffers from Obstructive Sleep Apnoea, problems relating to

the urinary tract, cardiology, gastroenterology and other problems.

Per contra, learned Additional Solicitor General would point out here is a case where the applicant has been in private hospital for a considerable period of time in Mumbai. He would, however, submit that it is not as if it is a case of warranting medical bail. He would not be averse, however, we may record, to the applicant being taken to AIIMS, New Delhi. Therein, the applicant may be examined by the medical team available in the hospital in respect of his complaints.

Learned senior counsel for the applicant would point out that a person with the medical condition which the applicant has, should not be denied medical bail so that he may get himself treated at the hospital of his choice.

It is not a case where the applicant has any objection to the medical expertise of the Doctors at the AIIMS, New Delhi.

As at present, we feel that the applicant must be taken today and be examined by the Doctors of various disciplines on the basis of his medical condition as may be revealed by medical reports.

A report shall be sent to this Court regarding his medical condition in regard to various ailments which are projected before us as sufficient for grant of medical bail.

We indicate that to suitably evaluate the problem of

Obstructive Sleep Aponea, sleep study may be conducted if it is considered appropriate by the Doctor.

We record the submission of the learned senior counsel for the applicant that an application has been filed for withdrawal of the application for medical bail which was moved in the trial Court at Mumbai.

The report be placed within a period of one week from today.

To facilitate proper evaluation and report, we direct that the Director, AIIMS, New Delhi, shall constitute a team of Doctors required to carry out evaluation.

List the matter on 10th November, 2022.

(NIDHI AHUJA)
AR-cum-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)