

ITEM NO.22

COURT NO.1

SECTION II-C

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

**SPECIAL LEAVE PETITION (CRIMINAL) .....Diary No(s).20525/2022**

(Arising out of impugned final judgment and order dated 07-07-2022 in CRLP No.4909/2022 passed by the High Court of Karnataka at Bengaluru)

SEEMANT KUMAR SINGH

Petitioner(s)

VERSUS

MAHESH PS &amp; ORS.

Respondent(s)

(IA No.93103/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.93102/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.93106/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Cr1) No. 6253/2022 (II-C)

(FOR ADMISSION and I.R. and IA No.93369/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 21350/2022 (II-C)

(FOR ADMISSION and I.R. and IA No.95499/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.95495/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.95498/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 18-07-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE KRISHNA MURARI

HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)  
In SLP(Cr1.)6253/  
22

Mr.Tushar Mehta, SG  
Mr. Nikhil Goel, AAG  
Mr. Shubhranshu Padhi, AOR  
Mr. Ashish Yadav, Adv.  
Mr. Vishal Banshal, Adv.  
Ms. Rajeshwari Shankar, Adv.

In SLP(Cr1.)...  
D.No.20525/22

Mr. Mukul Rohatgi, Sr.Adv.  
Mr. Amit Kumar, Sr.Adv.  
Mr. Avijit Mani Tripathi, AOR  
Mr. Shaurya Sahya, Adv.  
Mr. Aditya Shanker Pandey, Adv.

In SLP(Cr1.)...  
D.No.21350/22

Mr. S.Nagamuthu, Sr.Adv.  
Mr. H.S. Chandramouli, Sr.Adv.

Mr. Anand Sanjay M.Nuli, Adv.  
Mr. M.P. Parthiban, Adv.  
Mr. Agam Sharma, Adv.  
Mr. Keerthana Nagaraj, Adv.  
For M/S. Nuli & Nuli, AOR

For Respondent(s)

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

1. Heard Mr. Tushar Mehta, learned Solicitor General appearing on behalf of the petitioner in SLP(CrI.)No.6253/2022, Mr. Mukul Rohatgi, learned Senior counsel appearing on behalf of the petitioner in SLP(CrI.)....D.No.20525/2022 as also Mr. S.Nagamuthu, learned Senior counsel appearing on behalf of the petitioner in SLP(CrI.)....D.No.21350/2022.

2. A bare perusal of the record indicates that the impugned proceedings arise out of a bail application under Section 439 of the Cr.P.C. filed by the accused, Mahesh PS, in Crime No.44 of 2022. However, rather than considering the bail application on its merits, the learned Judge has apparently focused on other elements which may not be relevant and are, in our *prima facie* view, beyond the scope of inquiry in respect of proceedings under Section 439 of the Cr.P.C.

3. The High Court of Karnataka has made various observations in the order dated 07.07.2022, which is impugned in all the three petitions before this Court, and the order dated 11.07.2022, in CrI.P.No.4909 of 2022, which cannot be said to be within the ambit of bail proceedings. The observations made and the directions passed, relating to the service record of the petitioner in SLP(CrI.)....D.No.20525 of 2022, 'B' reports in all cases filed by the ACB from 2016 onwards, the alleged involvement of the petitioner in SLP(CrI.)....D.No.21350 of 2022, and the enthusiasm (or lack thereof) of the ACB officers are either irrelevant or detrimental to the fair trial of the accused in the present case.

4. At the same time, valuable rights of the accused who seeks enlargement on bail under Section 439 Cr.P.C., should not be adversely affected. Keeping in mind the above, we are of the

opinion that, in the interim, proceedings in Cr1.P.No.4909 of 2022, pending before the High Court of Karnataka, not linked to the pleadings of the accused-original petitioner for bail, be stayed. We request the High Court to continue hearing and dispose of the bail application of the said accused, expeditiously, without reference to the pendency of the present Special Leave Petitions before this Court.

5. The impugned order dated 07.07.2022, is stayed. All other proceedings are also stayed.

6. Cr1.P.No.4909/2022 filed by the Deputy Tehsildar as also the bail petition filed before the High Court by the Accused No.3/petitioner in SLP(Crl.).....D.No.21350/22 be heard and disposed of expeditiously without reference to the pendency of these Special Leave Petitions.

7. On 12.07.2022, at the request of the learned Solicitor General, we had granted permission to implead the Registrar General of the High Court as a party and had directed to amend the cause-title accordingly.

8. The applications for permission to file the special leave petitions is allowed.

9. Let notice be issued to the Registrar General of the High Court.

10. List these matters after two weeks.

(SATISH KUMAR YADAV)  
DEPUTY REGISTRAR

(R.S. NARAYANAN)  
COURT MASTER (NSH)