

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO.2454/2024
[@ IA No. 239631/2024 - RECALLING THE COURTS ORDER]
IN
CRIMINAL APPEAL NO.4011/2024

K. VIDHYA KUMAR

APPLICANT(S)

VERSUS

THE DEPUTY DIRECTOR & ORS.

RESPONDENT(S)

WITH
MISCELLANEOUS APPLICATION NO.522/2025
[@ IA NO.46526/2025 - RECALLING THE COURTS ORDER]
IN
CRIMINAL APPEAL NO.4011/2024

O R D E R

1. By way of present Applications, the applicants are seeking recall of a judgment and order dated 26th September, 2024¹ passed by this Court in Criminal Appeal No.4011/2024 granting bail to the appellant (V. Senthil Balaji), who is the second respondent in Miscellaneous Application No.2454/2024, in the said Criminal Appeal. The said Criminal Appeal was preferred by the second respondent against an order dated 28th February, 2024 passed by the learned Single Judge of the High Court of Judicature at Madras. The second respondent was arrested in connection with an offence under Section 3 of the Prevention of Money-laundering Act, 2002. By the impugned judgment dated 28th February, 2024, the second bail application made by the second respondent was rejected

1 2024 SCC OnLine SC 2626

by the learned Single Judge. The second bail application was premised on the change in circumstance that the second respondent had ceased to be a Minister in the Government of Tamil Nadu from 13th February, 2024.

2. By the judgment dated 26th September, 2024, this Court granted bail to the second respondent not on merits, but for the reasons recorded therein for preventing violation of rights of the second respondent guaranteed under Article 21 of the Constitution of India. The attention of this Court was invited to the decision of this Court in the case of *Y. Balaji vs. Karthik Desai & Anr.*² indicating the role played by the second respondent as regards one of the predicate offences of influencing victims, while he was a Cabinet Minister in the Government of the Tamil Nadu. As the second bail application proceeded on the footing that he is no longer a Minister, this Court did not consider the said decision against the appellant.

3. The occasion for filing these Applications and for entertaining these Applications by the Court arose as within two days after this Court enlarged the second respondent on bail, he was sworn in as a Cabinet Minister in the Government of Tamil Nadu. Therefore, on that limited aspect indicated in our order dated 2nd December, 2024, a notice was issued on Miscellaneous Application No.2454/2024. Paragraph 3 of the order dated 2nd December, 2024 reads thus:

“The present application is based on apprehension.

The apprehension is based on the fact that immediately after we enlarged the second respondent on bail by the judgment and order dated 26th September, 2024, the second respondent has been appointed as a Cabinet Minister of the State. The apprehension is that considering the seriousness of the allegations against the second respondent in the predicate offences, the witnesses may not be in the frame of mind to depose against the second respondent who is now holding the position of a Cabinet Minister. This is the only aspect on which, prima facie, we are inclined to consider the application. We make it clear that as there is no reason to interfere with the view taken on merits in the order dated 26th September, 2024, the adjudication of this application shall remain confined to the aforesaid aspect only."

(underlines added)

4. From the date the notice was issued, repeatedly time was taken on behalf of the second respondent/appellant to take instructions.

5. Today, a copy of the Press Release No.17 dated 27th April, 2025 issued by the Raj Bhavan, Tamil Nadu has been handed over which records that the second respondent (V. Senthil Balaji) has tendered his resignation which has been accepted by the Hon'ble Governor.

6. Therefore, now, there is no occasion to entertain these Applications.

7. An apprehension is expressed on behalf of the applicants that again the second respondent/appellant will assume a position as a Minister or any other position of power. In the light of the decision of this Court in the case of *Y. Balaji* (supra) and in the light of the fact that the bail application made by the second respondent/appellant was entertained only on the ground he is no longer occupying a

position of power, we do not think there is any basis for that apprehension.

8. The Applications are, accordingly, disposed of.

9. The Miscellaneous Applications stand disposed of accordingly.

10. Other pending applications, including the application seeking intervention/impleadment, also stand disposed of.

.....J.
(ABHAY S. OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
APRIL 28, 2025.

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

Miscellaneous Application No. 2454/2024 in CrI.A. No. 4011/2024

K. VIDHYA KUMAR

APPLICANT(S)

VERSUS

THE DEPUTY DIRECTOR & ORS.

RESPONDENT(S)

(FOR ADMISSION and IA No. 239663/2024 - APPLICATION FOR PERMISSION, IA No. 239661/2024 - INTERVENTION/IMPLEADMENT AND IA No. 239631/2024 - RECALLING THE COURTS ORDER)

WITH

MA 522/2025 in CrI.A. No. 4011/2024 (II-C)

(FOR ADMISSION AND IA NO.46526/2025 - RECALLING THE COURTS ORDER)

Date : 28-04-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Applicant(s): Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Pranav Sachdeva, Adv.
Ms. Neha Rathi, AOR
Mr. Jatin Bhardwaj, Adv.
Mr. Shourya Dasgupta, Adv.
Ms. Shreya Nair, Adv.
Mr. Abhay Nair, Adv.

Mr. Tushar Mehta, Solicitor General
Mr. Arvind Kumar Sharma, AOR

For Respondent(s): Mr. Satya Darshi Sanjay, A.S.G.
Mr. Kanu Agrawal, Adv.
Mr. Zoheb Hussian, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Merusagar Samantaray, Adv.
Ms. Sansriti Pathak, Adv.
Mr. Balaji Srinivas, Adv.
Mr. Arvind Kumar Sharma, AOR
Ms. Sweety Chauhan, Adv.
Ms. Akshita Gupta, Adv.
Ms. Akshita Choubey, Adv.

Mr. Prakhar Bharadwaj, Adv.

Mr. Kapil Sibal, Sr. Adv.
Dr. Aditya Sondhi, Adv.
Dr. Ram Sankar, Adv.
Mr. Bharat Monga, Adv.
Mr. Agilesh Kumar, Adv.
Mr. Anubhav Kumar, Adv.
Mr. R Gunaalan, Adv.
Mrs. Harini Ramsankar, Adv.
For M/S. Ram Sankar & Co, AOR

Mr. Mukul Rohatgi, Sr. Adv.
Mr. N R Elango, Sr. Adv.
Dr. Ram Sankar, Adv.
Mr. Sameer Rohatgi, Adv.
Mr. N Bharanikumar, Adv.
Mr. G Jai Singh, Adv.
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Mr. Amit Anand Tiwari, Sr. A.A.G.
Mr. Sabarish Subramanian, AOR
Ms. Devyani Gupta, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. Tanvi Anand, Adv.
Mr. Viddusshi Shandiyaa, Adv.
Mr. Danish Saifi, Adv.
Mr. Pranjal Mishra, Adv.

Mr. Balaji Srinivasan, AOR
Mr. Vishwaditya Sharma, Adv.
Ms. Harsha Tripathi, Adv.
Mr. Subornadeep Bhattacharjee, Adv.
Ms. Kanishka Singh, Adv.
Mr. K. Shiva, Adv.

Ms. Neha Rathi, AOR

Mr. Balaji Srinivasan, AOR
Mr. Vishwaditya Sharma, Adv.
Ms. Harsha Tripathi, Adv.
Mr. Subornadeep Bhattacharjee, Adv.
Ms. Kanishka Singh, Adv.
Mr. K. Shiva, Adv.

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

The Applications are disposed of in terms of the signed order.

The Miscellaneous Applications stand disposed of accordingly.

Other pending applications, including the application seeking intervention/impleadment, also stand disposed of.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]