



IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO. 1744 OF 2022

**Menon Ekka @ Smt. Menon Ujjana Ekka**

**...Appellant(s)**

**Versus**

**Union of India**

**...Respondent(s)**

**ORDER**

1. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court of Jharkhand at Ranchi in IA No. 3428 of 2020 in Criminal Appeal No. 328 of 2020 by which the High Court has refused to release the applicant – appellant accused on interim bail during the pendency and final disposal of the appeal before the High Court, the appellant accused has preferred the present appeal.

2. Shri Gaurav Agrawal, learned counsel appearing on behalf of the applicant has vehemently submitted that the appellant has been sentenced to undergo 7 years RI, against which the appellant has already undergone 2 years and 9 months sentence by now. It is submitted that the applicant is a lady and has been convicted alongwith her husband for the offence under Section 109 IPC and Section 13(1)(e) and Section 13(2) of the Prevention of Corruption Act, having found in possession of the disproportionate assets. It is submitted that the

appeals filed by the appellant and the other co-accused are not likely to be heard in near future and therefore, it is prayed to release the appellant on interim bail during the pendency and final disposal of the appeal before the High Court.

3. While opposing the present appeal, Ms. Swati Ghildiyal, learned counsel appearing on behalf of the respondent has vehemently submitted that as such the High Court was ready to take up the appeals for final disposal, however, the appellant and other co-accused were not ready for hearing of the appeals. It is submitted that therefore, the appellant shall not make a grievance that the appeal is not likely to be heard at the earliest. It is submitted that looking to the serious charges against the appellant and the nature of evidence in the record, the High Court has rightly refused to suspend the sentence and release the appellant on bail during the pendency of the appeal.

4. Having heard the learned counsel for the respective parties and considering the fact that the appellant is a lady accused, who has already undergone 2 years and 9 months sentence, we deem it appropriate to release the appellant on bail during the pendency of the appeal on the conditions that may be imposed by the learned Trial Court. At the same time, as the High Court has observed in the impugned order

that the appeals can be heard and disposed of finally, as and when the appellants get ready for the same, and even otherwise considering the serious charges against the accused, we also deem it appropriate to direct the Registry to notify the appeals preferred by the appellant and other co-accused being Criminal Appeal No. 326 of 2020 to Criminal Appeal No. 328 of 2020 before the appropriate Bench within a period of two weeks from the date of receipt of the present order and thereafter the High Court to decide and dispose of the said appeals at the earliest and within the time bound period.

5. In view of the above and for the reasons stated above and solely on the ground that the appellant is a lady accused and has already undergone 2 years and 9 months sentence, present appeal is allowed. Appellant is ordered to be released on bail during the pendency of the Criminal Appeal No. 328 of 2020 pending before the High Court on the conditions that may be imposed by the learned Trial court. It is specifically observed and made clear that the benefit of the present order may not be available to the other co-accused persons and the present order may not be cited as a precedent so far as the other co-accused persons are concerned. We direct the Registry of the High Court to notify the Criminal Appeal No. 326 of 2020 to Criminal Appeal No. 328 of 2020 before the Bench taking up such appeals and we

request the High Court to finally decide and dispose of the said appeals at the earliest but not later than six months from the first listing before the concerned court.

All concerned / all the accused / appellants are directed to cooperate in earlier disposal of the appeals by the High Court and within the stipulated time stated hereinabove. Any attempt on the part of the appellant and/or the other co-accused to delay the hearing of the final disposal of the appeals shall be viewed seriously.

Present appeal is allowed accordingly to the aforesaid extent.

Pending application, if any, also stands disposed of.

.....J.  
**[M.R. SHAH]**

NEW DELHI;  
OCTOBER 14, 2022.

.....J.  
**[KRISHNA MURARI]**

ITEM NO.1505

COURT NO.6

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

Criminal Appeal No(s). 1744/2022

MENON EKKA @ SMT.MENON UJJANA EKKA

Appellant(s)

VERSUS

UNION OF INDIA

Respondent(s)

([HEARD BY: HON. M.R. SHAH AND HON. KRISHNA MURARI, JJ.]

IA No. 108366/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 108635/2021 - EXEMPTION FROM FILING O.T.

IA No. 10854/2022 - GRANT OF BAIL

IA No. 108361/2021 - INTERIM BAIL)

Date : 14-10-2022 This appeal was called on for pronouncement of  
Order today.

For Appellant(s) Mr. Gaurav Agrawal, AOR

For Respondent(s) Ms. Swati Ghildiyal, Adv  
Mr. Akshay Amritanshu, Adv  
Mr. Navanjay Mahapatra, Adv.  
Mr. Raghavendra S Srivatsa, Adv  
Mr. Shailesh Madiyal, Adv  
Mr. Pratik Samajpati, Adv  
Mr. Nakul Chengappa K.K., Adv.  
Mr. Arvind Kumar Sharma, AOR

Hon'ble Mr. Justice M.R. Shah pronounced the  
Order comprising His Lordship and Hon'ble Mr. Justice  
Krishna Murari.

The appeal is allowed in terms of the Signed  
Order. The order inter alia reads as under :

"Appellant is ordered to be released on bail  
during the pendency of the Criminal Appeal  
No. 328 of 2020 pending before the High  
Court on the conditions that may be imposed  
by the learned Trial court."

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

(Geeta Ahuja)

Astt. Registrar-Cum-PS

(Signed Order is placed on the file)

(Nisha Tripathi)

Assistant Registrar