SENSATIONALIZATION IN MEDIA ABOUT COURT PROCEEDINGS IN A SUB-JUDICE MATTER ON PRESUMPTION SHOULD BE AVOIDED

[Statement issued by Ayush Anand, Advocate on Record for the Petitioners, BIPINCHAND KANAIYALAL JOSHI @ LALA DOCTOR and PRADIP RAMANLAL MODHIYA in **Criminal Appeal No. 5118 -19/2026**]

Ideally an Advocate should not issue any press brief for his sub-judice matter. But as some misleading statement has been issued and that too by a Senior Advocate directly on behalf of the prosecutrix which is not only factually incorrect but to sensationalise the Court proceedings in this matter and doubting the sanctity of the legal process this statement is being issued to put things in the correct perspective. Such attempts have also been made by several group issuing press briefs due to various motivated reasons to start a media trial in the pending Criminal Appeals before the Hon'ble Supreme Court.

There are different sets of accused in the present matter. My clients not being the main accused were alleged for being in Mob and not even named for any overt act initially.

My clients approached the Hon'ble SC by filing the SLP on **15.08.2025** vide **Diary No. 45823/2025.** After filing, the matter was listed **4 times** [16.09.2025, 15.10.2025, 10.11.2025 and 01.12.2025] wherein all material facts and documents were put up before the Hon'ble Court.

After considering all facts in details a Bench of the Hon'ble SC on **17.03.2026** issued notice in the present matter. It may be noted that in the statement of prosecutrix dated **07.03.2002** and **13.03.2002**, she has not named my clients for allegation of rape. Similar was her statement before the doctor at the time of medical examination.

The fact of Petitioner No. 1 being **crippled/physically disabled** and both of them behind bars for 17 years was also noted while issuing notice in this matter in **March 2026**. During this entire process erstwhile legal team of the Prosecutrix at the time of challenge of remission before SC was conscious of this matter and to my knowledge observing the Court proceedings. When notice has been issued in this matter on 17.03.2026, this was also reported in a major media outlet. So, the allegation that Prosecutrix was not aware is false and only meant for publicity at this stage for obvious motives. The legal team of Prosecutrix chose not to do anything when the matter was pending/notice issued in this matter and waited for the outcome only to be later cry foul.

There was no Caveat on behalf of the prosecutrix in the present matter neither she was a party before the Hon'ble High Court as per the Cause Title, so as per procedure we did not make her a party here. This could have been done by the legal team of the Prosecutrix by exercising her right. Their failure to act cannot be put against my client or the Court suggesting motives.

After, issuance of the notice, this matter was listed for another bench of the Hon'ble SC **4 times** [05.05.2026, 12.05.2026, 11.08.2026 and 22.09.2026].

On 12.10.2026 a Crl.MP has been filed by us on behalf of Bipin Bhai as he suffered major heart blocks and underwent cardiac surgery while being in Jail after approx. 18 years behind bar. Bail was also sought for Petitioner No.1, who is a senior citizen on the Ground of Medical condition as he was suffering from Critical Cardiac Condition with 4 heart blockages of 80-90% and recently underwent two Major heart procedures as on 31.08.2026 for Coronary Angiography and due to major blocks came in finding on 08.09.2026 for Coronary Artery Bypass Grafting.

A new bench was constituted due to procedural reasons and listed on **14.10.2026**, wherein the Court has especially directed CBI Standing Counsel to be served upon and on **28.10.2026** after a detailed hearing from both sides, considering that the case of Petitioners will be heard in due Course and therefore Bail has been granted after approx. 18 years in jail during the pendency of the present Criminal Appeal. It was reported in HT than also. Therefore, this matter was put up for hearing for **10 times** before granting Bail to my clients and took more than a year, hence alleging suppression by the legal team of prosecutrix that they were not aware is completely mischievous.

There is a practice in Criminal Appeals pending before the Hon'ble Supreme Court to grant bail after such long period of incarceration. [**Example -**Bail Orders: In Criminal Appeal No. 1554/2022, *Madhav Ram v. Patanjali Bhardwaj & Anr.* Bail granted after 12 years of incarceration considering serious health issue on 07.10.2026; *in Arun Gulab Gawali Vs. The State Of Maharashtra & Anr.* after 18 years of incarceration granted bail on 28.08.2025]

From 16.11.2026 **after 18 days of such grant of Bail,** suddenly this issue is being coloured in a fashion that prosecutrix is apparently shocked to know this. This smear media campaign before seeking appropriate legal remedy is a sharp practice and unfortunately joined by senior counsel without verifying the facts. Getting personal publicity out of a case does not behoves any lawyer /officer of the Court or litigant.

Date: 20.11.2026