

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2026
(@ SLP(CRL.) NO.21284/2025)

XXX

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH & ANR.

Respondent(s)

O R D E R

Leave granted.

2. We have heard learned senior counsel for the appellant-victim and learned standing counsel for the first respondent-State and learned counsel for the respondent No.2-accused. We have perused the material on record.

3. Being aggrieved by the judgement and order dated 02.12.2025 passed by the High Court of Allahabad, Lucknow Bench in Criminal Miscellaneous Bail Application No.12010 of 2025 whereby the High Court granted the relief of regular bail to the respondent No.2-accused under FIR No.416 of 2025 registered at Police Station Khairighat, District Bahraich, Uttar Pradesh under Sections 64(2)(m), 70(1) and 127(4) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS"), the appellant-victim has preferred the present appeal.

4. Briefly stated, the facts of the case according to the prosecution is that the appellant-victim, on the pretext of securing a government job, was allegedly lured and enticed away by the accused persons including respondent No.2-accused on 14.04.2025. Thereafter, it has been alleged that, the appellant-

victim was confined by the accused at multiple locations for over a period of three months wherein she was subjected to repeated acts of aggravated sexual assault and gang rape under the influence of nefarious substances by the accused including respondent No.2-accused which led to two different separate instances of forced miscarriage at the hands of the accused persons. Subsequently, in order to bring about a quietus to the said acts, it has been alleged by the appellant-victim that she was threatened by the accused persons of dire consequences including leaking and publication of obscene videos and images that were allegedly forcibly taken by the accused persons.

5. Being aggrieved, and upon her return to her home, the appellant-victim narrated the said incident to her family and consequently, FIR No.416 of 2025 dated 09.09.2025 was lodged with Police Station Khairighat, District Bahraich, Uttar Pradesh against respondent No.2-accused and five other persons alleging the offences under Sections 64(2)(m), 70(1) and Section 127(4) of the BNS against them.

6. Thereafter, respondent No.2-accused was arrested on 24.10.2025 in relation to the aforesaid FIR, aggrieved by which, he preferred a bail application in Bail Application No.3435/12A/2025 before the Court of the Additional Sessions Judge, F.T.C.-I, Bahraich which was dismissed vide order dated 18.11.2025.

7. Aggrieved by the order of the Sessions Court, respondent No.2-accused preferred Criminal Miscellaneous Bail Application of BNSS No.12010 of 2025 before the High Court of Allahabad,

Lucknow Bench. The High Court, vide order dated 02.12.2025, granted the relief of regular bail to respondent No.2-accused on the ground that the nature of allegations made against the respondent No.2-accused were improbable in nature and when compounded with the substantial delay in the lodgment of F.I.R., a case was made out for the grant of regular bail. Aggrieved by the said order, the appellant-victim has preferred the present appeal.

8. We find that the High Court has granted the relief of bail to respondent No.2-accused by setting aside the order of the Sessions Court declining to grant the said relief, on the basis of what has been stated in 'paragraph 7' of the impugned order. The High Court in the said paragraph has categorically noted about the improbability in the nature of allegation as against the accused herein. The allegations as against the accused are under Section 64(2)(m), 127(4), 70(1) of BNS, 2023, which are also noted in FIR case crime No.0416/2025, and the Sessions Court had declined to grant bail considering the gravity of the allegations against respondent No.2-accused and taking into consideration the seriousness of the offences alleged.

9. We cannot comprehend as to how the High Court could have inferred that the allegations against the respondent No.2-accused are improbable. On that short ground alone, the impugned order dated 02.12.2025 is set aside. The matter is remanded to the Lucknow Bench of the Allahabad High Court by restoring Criminal Misc. Bail Application No.12010/2025 on the

file of the said Court. The High Court shall reconsider the bail application of respondent No.2-accused herein in accordance with law and as expeditiously as possible.

10. Since the Sessions Court had declined to grant bail and respondent No.2-accused was in jail up to 02.12.2025, that is the date of the impugned order and which we have now set aside and remanded the matter to the High Court, we direct second respondent No.2-accused to surrender on or before 20.08.2026.

11. The Lucknow Bench of the Allahabad High Court shall consider case of respondent No.2-accused afresh and dispose it within a period of four weeks from the first date of hearing of the matter.

12. The Appeal is disposed of in the aforesaid terms.

13. It is observed that we have not made any observation on the merits of the matter.

Pending application(s), if any, shall stand disposed of.

.....J.
(B.V. NAGARATHNA)

.....J.
(R. MAHADEVAN)

NEW DELHI;
AUGUST 07, 2026

ITEM NO.1

COURT NO.3

SECTION II

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 21284/2025
[Arising out of impugned final judgment and order dated 02-12-2025
in CRMB No. 12010/2025 passed by the High Court of Judicature at
Allahabad, Lucknow Bench]

XXX

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(IA No. 331501/2025 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Crl) No. 2026/2026 (II)

(IA No. 107296/2026 - APPLICATION FOR PERMISSION

IA No. 36189/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 36187/2026 - EXEMPTION FROM FILING O.T.)

SLP(Crl) No. 2096/2026 (II)

(IA No. 37548/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 37547/2026 - EXEMPTION FROM FILING O.T.)

Date : 07-08-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Dr. Rajiv Nanda, Sr. Adv.
Mr. Hardik Singh, Adv.
Ms. Ritika Vohra, AOR
Mr. Hari Sankar Mahapatra, Adv.
Ms. Nitika Pancholi, Adv.
Mr. Hardik Singh, Adv.
Ms. Ritika Vohra, AOR

For Respondent(s) Mr. Namit Saxena, AOR

Mr. Shyam Manohar(arguing Counsel), Adv.
Mr. Ambrish Kumar, Adv.
Mr. Lav Kumar Gupta, Adv.
Ms. Kajal Kumari, Adv.
Ms. Manju Jetley, AOR

Mr. Aaditya Aniruddha Pande, AOR

UPON hearing the counsel the Court made the following

O R D E R

SLP(Crl.) No. 21284/2025:

1. Leave granted.
2. The Appeal is disposed of in terms of the signed order which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

SLP(Crl) No. 2026/2026: (Item No.1.1)

1. We have heard learned senior counsel for the petitioner-victim and learned standing counsel for the first respondent-State and learned counsel for the respondent-accused.
2. We dispose of this Special Leave Petition by requesting the High Court to adjudicate upon the plea for Anticipatory Bail made by the second respondent-accused herein within a period of four weeks from the next date of hearing.
3. We direct the Registry of the Lucknow Bench of the Allahabad High Court to list this matter before the appropriate Bench on 20.08.2026. We say so for the reason that while interim anticipatory bail has been granted to the respondent-accused. It is stated at the bar that the matter pursuant to the order dated 11.12.2025 has not been taken for consideration thereafter. As the direction was "List after six

weeks". We find the said direction to be vague and in the circumstances, we are constrained to pass the aforesaid order.

4. It is needless to mention that the matter shall be considered on its own merits and in accordance with law.
5. Pending application(s), if any, shall stand disposed of.

SLP(Crl) No. 2096/2026:(Item No.1.2)

1. We have heard learned senior counsel for the petitioner-victim and learned standing counsel for the first respondent-State.
2. We dispose of this Special Leave Petition by directing the respondent-State to conclude the investigation as against the petitioner herein within a period of two months from today and submit a report in that regard before this Court within a week thereafter.
3. Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)