

ITEM NO.4

COURT NO.5

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 for Special Leave to Appeal (Crl.) No.18193/2026

[Arising out of impugned final judgment and order dated 20-08-2026 in CRLMBA No. 3601/2024 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

SANTOSH KUMAR TIWARI

Petitioner(s)

VERSUS

STATE OF U. P. & ANR.

Respondent(s)

IA No. 278710/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 278712/2026 - EXEMPTION FROM FILING O.T.

Date : 16-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) : Mr. A. R. Masoodi, Sr. Adv.
Mr. Arun Kanwa, Adv.
Mr. Rohan Wadhwa, Adv.
Ms. Jain Namisha Anuj- 4303, AOR
Mr. Varun Rawat, Adv.
Mr. Alok Kumar, Adv.
Mr. Pushpendra Kumar Anuragi, Adv.

For Respondent(s) : Mr. Shaurya Sahay- 3311, AOR
Mr. Aman Jaiswal, Adv.
Ms. Sharvi Sharma, Adv.
Ms. Akanksha Pandey, Adv.

Mr. Ravindra S. Garia- 1727, AOR
Mr. Shashank Singh, Adv.
Mr. Binisha M Mohanty, Adv.
Mr. Shivendra Singh, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. The petitioner seeks cancellation of bail granted to Aditya Dev Pathak (respondent No.2) by the High Court in connection with FIR 412 of 2023 at Chinhath PS, Lucknow East for offence punishable under Sections 302 & 201 of the Indian Penal Code, 1860 and Sections 3 & 25 of the Arms Act, 1959.
2. Respondent No.2 is accused of committing the murder of petitioner's daughter with an illegal pistol resulting in her death. A charge sheet is filed and a trial is underway.
3. The High Court granted bail to the accused on the ground that five eyewitnesses had turned hostile in trial.
4. In *X v. State of Rajasthan, 2024 SCC OnLine SC 3539*, it was observed that when the trial is underway courts should ordinarily be loath to grant bail in case of serious offences.
5. Considering that a material witness remains to be examined in the trial, and the serious allegations against respondent No.2, we are of the opinion that the bail granted to

respondent No.2 ought to be cancelled. The Respondent No. 2 is directed to surrender before the jurisdictional Court within a period of two weeks from today. In the event of failure to do so, the trial Court shall take appropriate steps in accordance with law to secure his custody. Ordered accordingly.

6. In the aforesaid, the impugned order is herereby set aside.
7. The Special Leave Petition stands disposed of accordingly.
8. Pending application(s), if any, shall stand disposed of.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)