IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(@ SLP(CRL.) No.15623/2026)

SUFI NAFIS TANTRIK @
SHAH NAFIR AHMAD RAHI **APPELLANT(S)**

VERSUS

STATE OF U.P. & ORS. **RESPONDENT(S)**

O R D E R

1. **Leave granted.**

2. **We have heard the learned Senior Counsel appearing for the appellant, and the learned counsel appearing for the respondent(s).**

3. **The appellant has been arraigned as an accused in connection with FIR No.310/2015, registered at Police Station – Kutubsher, District - Saharanpur, for the offences punishable under Sections 363, 342, 376D, 506 of the Indian Penal Code, 1860 and Sections 5/6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, pursuant to being summoned under Section 319 of the Code of Criminal Procedure, 1973 (for short, the Cr.P.C.) based on the testimony of the**

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Date: 2026.10.30 16:44:07 IST
Reason:

prosecutrix before the Trial Court.

4. **Pursuant to the said summons being issued, the appellant, on legal advise, sought for anticipatory bail which has been denied. Aggrieved, the appellant is before us.**

5. **Learned Senior counsel appearing for the appellant would submit that accused No.1, who is the principal accused, has already been acquitted and, in any case, this being a summons issued pursuant to an order passed under Section 319 of the Cr.P.C., there is no need for arresting the appellant.**

6. **Learned counsel appearing for the respondent-State submitted that, at the instance of the appellant, the trial has been dragged on and, therefore, there is no need for interference with the impugned order.**

7. **We are of the considered view that, when a summoning order is issued under Section 319 of the Cr.P.C., the Trial Court is not automatically expected to pass an order of arresting the accused. At that stage, the issue for consideration is as to whether such a detention of the accused is required for the**

conduct of the proceedings before the Trial Court. It is also not in dispute that the accused No.1 has already been acquitted.

8. **Taking note of the above facts and circumstances, we are inclined to hold that there is need for arresting the appellant. Perhaps, the appellant has been ill-advised to file an application for anticipatory bail, as the Trial Court has not even exercised its power of ordering his arrest. Suffice it to state that the appellant shall cooperate with the conduct of trial while enjoying the benefit of anticipatory bail.**

9. **Accordingly, the impugned order stands set aside, and the appellant is granted anticipatory bail, subject to the terms and conditions that may be imposed by the concerned Trial Court.**

10. **We further make it clear that the Trial Court is at liberty to cancel the anticipatory bail granted by us, in the event of the appellant's non-cooperation with the conduct of trial.**

11. **The appeal stands allowed, accordingly.**

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

……J.
[M.M. SUNDRESH]

……J.
[PRASANNA B. VARALE]

NEW DELHI;
29th OCTOBER, 2026

ITEM NO.4 COURT NO.4 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). 15623/2026

[Arising out of impugned final judgment and order dated 12-03-2025 in CRMABAU482BNSS No. 1836/2025 passed by the High Court of Judicature at Allahabad]

SUFI NAFIS TANTRIK @
SHAH NAFIR AHMAD RAHI Petitioner(s)

VERSUS

STATE OF U.P. & ORS. Respondent(s)

Date : 29-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) **Ms. Warisha Firasat, Sr. Adv.**
Mr. Fozia Rahman, Adv.
Mr. Abdul Qadir, Adv.
Mr. Sikander Ahmed Siddiqui, Adv.
Ms. Swarna Swain, Adv.
Ms. Smriti Kumari, Adv.
Mr. Tejasvi Goel, Adv.
Dr. Sandeep Singh, Adv.
Mr. Kafeel Ahmed, Adv.
Mr. Satish Pandey- 2834, AOR

For Respondent(s) **Mr. Vishwa Pal Singh- 1391, AOR**
Mr. Bhrigu Nath Dubey, Adv.
Mr. Srikant Singh, Adv.
Mr. Srajan Shankar Kulshreshtha, Adv.
Mr. Shivom Garg, Adv.
Mr. Bhagat Singh, Adv.
Mr. Annpurna, Adv.
Mr. Amit Tyagi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

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

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR

(Signed order is placed on the file)