

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). OF 2026
(Arising out of SLP(Crl.) No.19385/2025)

GULABKALI

APPELLANT(S)

VERSUS

AASHISH GAUTAM @ ARVIND KUMAR

RESPONDENT(S)

ORDER

1. Leave granted.
2. Heard learned counsel for the parties.
3. The informant, who is mother of the deceased, is before us challenging the order passed by the High Court allowing regular bail to the respondent who has allegedly committed murder of appellant's daughter 'Rajkeshar Chaudhary'.
4. As per the prosecution case, the respondent and the deceased had an affair and were about to marry but in the meanwhile, respondent's marriage was fixed with some other girl. Therefore, as soon as the deceased got to know about this event, she started pressurizing the respondent for marriage. The respondent, therefore, decided to eliminate the deceased and, for this, he sought assistance of his friends, Surendra Pratap, Rakesh Yadav and Deepak Chamar. All of them went to respondent's new house

at village Karchhana where, as per the memorandum statement of the respondent, he committed murder of the deceased and concealed the dead body in the septic tank inside his house, covered it with sand and soil, laid bricks over it and poured a mixture of sand and cement on top so no one would know.

5. After the appellant moved to the police when her daughter did not return after she was called over phone by the accused a day before the incident, the accused was apprehended and in course of interrogation, his memorandum statement was recorded and the dead body was recovered at his instance.

6. We have heard learned counsel for the parties and perused the record.

7. While true it is that the accused was arrested on 10.06.2023 and has been granted bail in his second attempt before the Trial Court on 02.09.2025 yet it appears that the High court has not discussed or analyzed the gravity of the offence before directing his release on bail.

8. It is argued by learned counsel for the appellant that the impugned order has been passed without referring to the nature and gravity of offence. The bail has been allowed without properly

appreciating the facts of the case. Learned counsel would draw attention of this Court to the order passed by this Court in the matter of *Guriaya Swayam Sevi Sansthan Vs. State of Uttar Pradesh & Anr.* in Criminal Appeal No. 441 of 2026 and *Ajwar Vs. Waseem & Ors.* in Criminal Appeal No. 3232 of 2025, to argue that in a case where the High Court has granted bail without properly appreciating the facts and circumstances of the case and, particularly, the gravity of the offence, as also by being impressed with such facts which are not at all relevant to the case at hand, the bail has been cancelled by this Court.

9. *Per contra*, learned senior counsel appearing for the respondent would submit that the parameters for cancellation of bail and grant of bail are altogether different. Therefore, once the bail has been granted by the High Court, the relevant consideration should be the conduct of the accused after being released on bail. He referred to the order passed by this Court in the matter of *Himanshu Sharma Vs. State of Madhya Pradesh* in Criminal Appeal No. 1051 of 2024 and *Abhimanue Etc. Etc. Vs. State of Kerala* in Criminal Appeal Nos. 4197-4199 of 2025.

10. The parameters for cancellation of bail and for grant of bail are different and we need not reiterate the principles again and again. However, it is equally well settled that there is distinction between the concept of setting aside an unjustified, illegal or perverse orders allowing bail in favour of accused and cancellation of an order of bail on the ground that accused has misconducted himself or certain supervening circumstances warrant such cancellation, as held in the case of *Ranjit Singh Vs. State of Madhya Pradesh*: (2016) 16 SCC 797.

11. It is fairly well settled that if the order granting bail is a perverse one or passed on irrelevant material, or it has been passed without fully appreciating the facts and circumstances of the case and the gravity of the offence, it can be cancelled or annulled by the superior court.

12. In the case at hand, the appellant has allegedly committed murder of the girl with whom he had an affair, only to eliminate her so that he can marry some other girl. The dead body has been recovered at his instance, therefore, the present case is not a case where there is no evidence against the appellant. It is a different matter as

to whether the charges against him would be proved or not at the end of the trial. But at present, there are serious allegations against the appellant of having committed murder and there is strong circumstantial evidence which, if found proved, may end up in his conviction. This aspect of the matter has not been considered by the High Court while releasing him on bail.

13. In the above view of the matter, we are of the considered view that the present is such a case where the gravity of offence and the material on record presented by the prosecution has not been considered by the High Court resulting in a perverse order without proper application of mind.

14. In view of the above, we allow the present appeal and set aside the order impugned passed by the High Court granting bail to the respondent. He shall surrender within two weeks from today.

15. It will remain open for the accused to apply for bail at an appropriate stage if the trial is unnecessarily delayed.

16. Learned counsel for the State shall forthwith send a copy of this order to the concerned police station and before the Trial Court.

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

.....J.
[PRASHANT KUMAR MISHRA]

.....J.
[N.V. ANJARIA]

NEW DELHI;
FEBRUARY 04, 2026.

ITEM NO.5

COURT NO.17

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. 19385/2025

[Arising out of impugned final judgment and order dated 02-09-2025 in CRMBA No. 30130/2025 passed by the High Court of Judicature at Allahabad]

GULABKALI

Petitioner(s)

VERSUS

AASHISH GAUTAM @ ARVIND KUMAR

Respondent(s)

(IA No. 298225/2025 - EXEMPTION FROM FILING O.T.
 IA No. 298228/2025 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 04-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
 HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) : Mr. Rajesh Gulab Inamdar, AOR
 Mr. Shashwat Anand, Adv.
 Ms. Sheena Taqui, Adv.
 Mr. Shashank Tiwari, Adv.
 Ms. Akanksha Saini, Adv.
 Mr. Saumitra Anand, Adv.
 Mr. Akshay Kolle, Adv.
 Ms. Shehrish Naz Fazal, Adv.
 Mr. Ankur Azad, Adv.
 Mr. Faiz Ahmad, Adv.
 Mr. Shrey Bhushan, Adv.
 Mr. Mohd. Kumail Haider, Adv.

For Respondent(s) : Mr. Sudhir Kumar Saxena, Sr. Adv.
 Mr. Aviral Saxena, AOR
 Mr. Abhinav Sharma, Adv.

 Mr. Adarsh Upadhyay, AOR
 Ms. Pallavi Kumari, Adv.
 Mr. Shashank Pachauri, Adv.

UPON hearing the counsel the Court made the following
O R D E R

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

(LOKESH ARORA)
SENIOR PERSONAL ASSISTANT

(CHETNA BALOONI)
COURT MASTER (NSH)