

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. OF 2026
(ARISING OUT OF SLP (CRL.) NO. 18200 OF 2025)**

SALOCHNA PARDI

...APPELLANT(S)

VERSUS

STATE OF MADHYA PRADESH & ANR. .RESPONDENT(S)

O R D E R

1. Leave granted.
2. The present appeal assails the judgment and order dated 26th September, 2025 passed by the High Court of Madhya Pradesh at Gwalior in Criminal Appeal No. 7318 of 2025, arising under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989¹. By the impugned judgment, the High Court has granted anticipatory bail to Respondent No.2 in connection with Crime No. 65 of 2017 registered for offences punishable under Sections 302, 307, 120-B, 201, 364 and 365 of the Indian Penal Code, 1860², and Section 3(2)(v) of the SC/ST Act.
3. The brief factual matrix giving rise to the present proceedings is as under:

¹ SC/ST Act

² IPC

3.1. On 3rd March, 2017, a complaint was lodged by Ms. Appi Bai, mother of the alleged deceased Atmaram, before the Station House Officer, Dharnavada, reporting that her son, Atmaram Pardi, was missing and alleging involvement of unknown persons. Consequently, Missing Person Report No. 4 of 2017 was registered. Upon inquiry, FIR No. 65 of 2017 came to be registered.

3.2. As per the FIR, on 9th June, 2015, the appellant, complainant and Atmaram along with other relatives were present near a river for a cremation. The allegations, as borne out from the record, indicate that Respondent No.2, along with certain other police personnel, fired gunshots at Atmaram, abducted him and took him to an unknown location eventually resulting in his death. The dead body of Atmaram has not been recovered till date.

3.3. The FIR against Respondent No.2 was registered on the basis of the statement of a prosecution witness recorded under Section 164 of the Code of Criminal Procedure, 1973³.

3.4. While a chargesheet has been filed against two co-accused persons on 9th March, 2023, the investigation insofar as Respondent No.2 is ongoing. Respondent No.2 remained absconding for a considerable period and proclamation proceedings

³ CrPC

were initiated against him, including issuance of a reward for his arrest.

- 3.5. The first application for anticipatory bail filed by Respondent No.2 was dismissed on merits by the High Court on 30th January, 2023 in Criminal Appeal No. 619 of 2023.
4. By the impugned order dated 26th September, 2025, the High Court allowed Criminal Appeal No. 7318 of 2025 and granted anticipatory bail to Respondent No.2 on the ground that no *prima facie* case was made out against him. The High Court rested its conclusions, *inter alia*, on the following considerations:
 - 4.1. The objection raised by the Respondent No.1-State that the application for anticipatory bail was not maintainable in view of proclamation proceedings under Sections 82 and 83 of CrPC was rejected holding that anticipatory bail is maintainable even where such proceedings have been initiated.
 - 4.2. With respect to the bar under Section 18 of the SC/ST Act, the High Court held that the bar is not absolute and would not apply if the allegations do not *prima facie* disclose commission of an offence under the SC/ST Act. It was observed that there was no specific allegation that the offence was committed on the ground of caste.
 - 4.3. The objection regarding maintainability of a successive anticipatory bail application was rejected,

holding that a subsequent application is maintainable in law.

4.4. The High Court also took note of the statement made by the wife of the deceased Atmaram in earlier proceedings, wherein she expressed no objection to the grant of anticipatory bail to Respondent No.2 and alleged that the complaint filed by the mother of the deceased was false.

4.5. It was further observed that although a chargesheet had been filed against the co-accused, no incriminating material had surfaced against Respondent No.2 and that the body of the deceased had not been recovered.

5. We have heard Ms. Payoshi Roy, learned counsel for the appellant; Mr. Bhupendra Pratap Singh, learned Deputy Advocate General appearing for Respondent No.1-State; Mr. Raghenth Basant, learned Senior Counsel appearing for Respondent No.2; and Ms. Roopali Lakhotia, learned counsel appearing for the complainant.

6. Learned counsel for the appellant submitted that the allegations against Respondent No.2 are grave in nature and pertain to offences of murder and criminal conspiracy. It was urged that Respondent No.2 remained absconding for a considerable period, which led to the initiation of proclamation proceedings under Sections 82 and 83 of CrPC. It was further contended

that Respondent No.2 is involved in multiple other criminal cases of a serious nature, including offences under the SC/ST Act, and that the statutory bar contained in Sections 18 and 18A of the SC/ST Act squarely applies, thereby prohibiting the grant of anticipatory bail. Learned counsel also submitted that the earlier application for anticipatory bail filed by Respondent No.2 had been rejected on merits by the High Court, and in the absence of any change in circumstances, a subsequent grant of such relief was wholly unwarranted. It was further argued that although a chargesheet has been filed against certain co-accused persons, the investigation qua Respondent No.2 is still continuing and his custodial interrogation is necessary for a fair and effective investigation.

7. The submissions advanced on behalf of the appellant were supported by the learned counsel for the Respondent No.1-State, who further brought to the notice of this Court that Respondent No.2 is presently in judicial custody in connection with another criminal case and has been dismissed from service as a Sub-Inspector by order dated 8th August, 2023 passed by the Deputy Inspector General of Police, Ujjain.
8. *Per contra*, learned counsel appearing for Respondent No.2 submitted that the wife of Atmaram, Ms. Marjina Bai has supported the case of Respondent No.2 and has categorically stated that the complaint lodged by the

mother of the deceased is false. It was further contended that the appellant has deliberately chosen not to implead her as a party respondent in the present proceedings, despite her being a material and necessary party. Learned counsel argued that the chargesheet has already been filed against the co-accused persons and that the name of Respondent No.2 does not find mention therein. It was also submitted that Respondent No.2 has been falsely implicated after an inordinate and unexplained delay. Additionally, it was contended that the deceased was himself a habitual offender against whom warrants were pending, and that Respondent No.2, in his official capacity, had conducted several investigations against the appellant and her family members, which, according to the learned counsel, provides the motive for false implication.

9. Upon careful consideration of the rival submissions and a perusal of the material on record, we are of the considered view that the High Court was not justified in granting anticipatory bail to Respondent No.2. At this stage, Respondent No.2 has failed to demonstrate the absence of a *prima facie* case so as to warrant the extraordinary relief of anticipatory bail.
10. The High Court appears to have been influenced primarily by the statement of the wife of the deceased and the fact that a chargesheet has been filed against the co-accused. However, the record discloses *prima*

facie material, including statements of witnesses, indicating the involvement of Respondent No.2 in the alleged crime. The nature and gravity of the allegations, which include offences punishable with death or life imprisonment, render the grant of anticipatory bail wholly disproportionate.

11. The fact that Respondent No.2 has been dismissed from service and is in custody in another criminal case does not advance his case for grant of anticipatory bail. Issues relating to delay in registration of the FIR and non-recovery of the dead body are matters to be examined during investigation and trial and cannot, at this stage, form the basis for granting pre-arrest bail. Merely because a chargesheet has been filed against the co-accused does not justify granting anticipatory bail to Respondent No.2 when the investigation against him is still in progress.
12. It is a settled principle of law that the discretionary power to grant anticipatory bail is to be exercised with circumspection and only in exceptional cases, especially where the allegations prima facie disclose the commission of serious offences necessitating custodial interrogation. In the facts and circumstances of the present case, no such exceptional grounds are discernible so as to warrant the grant of anticipatory bail.

13. In view of the aforesaid, the appeal is allowed and the impugned order dated 26th September, 2025 passed by the High Court of Madhya Pradesh at Gwalior in Criminal Appeal No. 7318 of 2025 is set aside. Respondent No.2 is directed to surrender before the competent court within a period of eight weeks and may apply for regular bail, which shall be considered on its own merits, in accordance with law.
14. Since Respondent No.2 is stated to be already in custody in another case, appropriate steps may be taken by the Investigating Officer to take him into judicial custody in the present case, and thereafter it shall be open to Respondent No.2 to avail such remedies as are permissible in law. It is clarified that any observations made hereinabove shall not prejudice the rights of Respondent No.2 in any proceedings arising out of the FIR in question.

.....J.
[VIKRAM NATH]

.....J.
[SANDEEP MEHTA]

NEW DELHI
JANUARY 06, 2026