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

VIKRAM NATH; J., SANDEEP MEHTA; J.

SLP(Crl.) No(s). 6992 of 2026; AUGUST 20, 2026

YASH MAHESH GAIKWAD *versus* STATE OF MAHARASHTRA AND ANR.

Code of Criminal Procedure, 1973 (CrPC) — Section 439 — Indian Penal Code, 1860 (IPC) — Sections 302, 307, 323, 109, 504, 506 read with Section 34 — Grant and Cancellation of Regular Bail — Serious and Heinous Offences — Exercise of Discretionary Jurisdiction — Parameters and Duty to Assign Reasons - Discretion to grant bail in serious and non-bailable offences such as murder must be exercised judiciously and not as a matter of course - An order granting bail in grave crimes must reflect proper application of mind to the facts and material on record and must record justifiable, cogent reasons - An unreasoned, superficial, or perverse order of bail warrants interference and reversal by the appellate court - Where a bail order is devoid of reasons or assigns flimsy and untenable grounds, ignoring material circumstances regarding the gravity of the offence, premeditation, concerted action, and the specific role of the accused, the superior court is fully empowered to cancel the bail. [Paras 32–37]

Code of Criminal Procedure, 1973 (CrPC) — Section 439 — Premeditated Murder by Setting Victim Ablaze — Common Intention — Bail Erroneously Granted on Flimsy Grounds — Cancellation of Bail - In a case where four accused persons launched a sustained offensive at night upon the complainant's house demanding an apology from his son, arrived together in a four-wheeler carrying a can of petrol, restrained and assaulted the victim, and set him on fire by pouring petrol and throwing a lit matchstick, the High Court and Trial Court erred in granting regular bail to Accused No. 4 (who recorded the incident) and Accused No. 3 (on grounds of parity) - The facts prima facie demonstrated prior preparation, concerted action, and premeditated common intention under Section 34 IPC to inflict grave harm - The reasoning of the High Court that Accused No. 4 merely recorded the incident and had no antecedents was flimsy and untenable in law - regular bail granted to Accused Nos. 3 and 4 cancelled; rejection of bail to Accused No. 2 (who drove the vehicle and acted as lookout) upheld. [Paras 29- 40]

Code of Criminal Procedure, 1973 (CrPC) — Section 439 — Distinction Between Main Assailants Present at Spot and Conspirator Not Present — Circumstantial Evidence — Grant of Bail Affirmed - Where the co-accused (father of the prime accused) was admittedly not present at the spot when the fatal attack occurred and was implicated solely on the basis of circumstantial evidence of conspiracy and providing petrol under Section 109 IPC, his case stands on a materially different footing - Order of the High Court granting him regular bail affirmed. [Relied on *Ram Govind Upadhyay v. Sudarshan Singh & Ors.*, (2002) 3 SCC 598; *Mahipal v. Rajesh Kumar & Anr.*, (2020) 2 SCC 118; *Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana & Anr.*, (2021) 6 SCC 230; *Shabeen Ahmad v. State of Uttar Pradesh*, (2025) 4 SCC 172; *Dolat Ram v. State of Haryana*, (1995) 1 SCC 349; *Anil Kumar Yadav v. State (NCT of Delhi)*, (2018) 12 SCC 129; Paras 26-40]

WITH CRIMINAL APPEAL NO(S). OF 2026 (Arising out of SLP(Crl.) No(s). 11038 of 2026) CRIMINAL APPEAL NO(S). OF 2026 (Arising out of SLP(Crl.) No(s). 11039 of 2026) CRIMINAL APPEAL NO(S). OF 2026 (Arising out of SLP(Crl.) No(s). 11037 of 2026)

For Petitioner(s): Mr. Aaditya Aniruddha Pande, AOR Mr. Prastut Mahesh Dalvi, AOR

For Respondent(s): Mr. Sachin Patil, AOR Mr. Risvi Muhammed, Adv. Ms. Vishnu Priya, Adv. Mrs. Maneesha R., Adv Mr. Prashant Shrikant Kenjale, AOR Ms. Damini Vishwakarma, Adv. Mr. B Dhananjay, Adv. Mr. Aaditya Aniruddha Pande, AOR Mr. Siddharth Dharmadhikari, Adv. Mr. Shrirang B. Varma, Adv. Mr. Sourav Singh, Adv. Ms. Chitransha Singh Sikarwar, Adv.

J U D G M E N T

Mehta, J.

1. Heard.
2. Leave granted.
3. The present appeals, by special leave, arise out of separate orders passed by the High Court of Judicature at Bombay, Circuit Bench at Kolhapur,¹ and the learned Additional Sessions Court, Satara² in connection with FIR No.261 of 2024 dated 12th June, 2024, registered at Satara Taluka Police Station, for offences punishable under Sections 302, 307, 323, 109, 504 and 506 read with Section 34 of the Indian Penal Code, 1860³, whereby regular bail was granted to accused No. 3-Pruthviraj Rajendra Shinde⁴, accused No. 4-Jyotiraditya Ajitsinh Jadhav⁵, and accused No. 5-Ranjit @ Dadaso Balkrushna Mane⁶, while regular bail application filed by accused No. 2Yash Mahesh Gaikwad⁷ came to be rejected. The impugned orders are summarized as follows: -
 - a. The final order dated 12th November, 2025, passed by the High Court in Criminal Bail Application No.3422 of 2025, whereby accused No.4-Jyotiraditya was granted regular bail.
 - b. The final order dated 8th January, 2026, passed by the High Court in Criminal Bail Application No.3511 of 2025, whereby accused No.5-Ranjit @ Dadaso was granted regular bail.
 - c. The order dated 13th January, 2026, passed by the trial Court in Sessions Case No.59 of 2024 whereby accused No.3-Pruthviraj was granted regular bail.
 - d. The final order dated 27th March, 2026, passed by the High Court in Criminal Bail Application No. 208 of 2026, whereby the application for grant of regular bail made by accused No.2-Yash was rejected.
4. Being aggrieved, accused No. 2-Yash has approached this Court seeking release on regular bail, whereas other appeals have been preferred by the State of Maharashtra⁸, assailing the grant of regular bail to the respective accused persons and seeking setting aside of the orders whereby such bail came to be granted.

BRIEF FACTS

5. The brief facts relevant and essential for disposal of the appeals are noted hereinbelow.
6. All the accused persons came to be arrested in connection with FIR No. 261 of 2024, registered at Satara Taluka Police Station, District Satara, at the instance of Anil

¹ Hereinafter, referred to as “the High Court”.

² Hereinafter, referred to as “the trial Court”.

³ Hereinafter, referred to as “IPC”.

⁴ Hereinafter, referred to as “to accused No.3-Pruthviraj”.

⁵ Hereinafter, referred to as “to accused No.4-Jyotiraditya”.

⁶ Hereinafter, referred to as “to accused No.5-Ranjit @ Dadaso”.

⁷ Hereinafter, referred to as “to accused No.2-Yash”.

⁸ Hereinafter, referred to as “appellant-State of Maharashtra”.

Madhukar Shinde⁹ for offences punishable under Sections 302, 307, 323, 109, 504 and 506 read with Section 34 of the IPC, alleging *inter alia*, as follows: -

"I, Anil Madhukar Shinde, aged 56 years, by occupation agriculture, residing near the Jyotiba Temple, Patkal, Taluka and District Satara (Mobile No. 9356544967), hereby give this statement while fully conscious and undergoing treatment/admitted at the Civil Hospital, Satara. I state that I reside at the aforementioned address along with my wife, Ujjwala. My two sons are engaged in business in Pune. I earn my livelihood and support my family through farming.

On June 11, 2024, while I was in Satara, I received a phone call from my wife around 9:00 PM. I informed her that I was on my way home. Subsequently, at around 10:22 PM, I received another call from her informing me to return home immediately. She explained that Shivjit Ranjit Mane (alias 'Dadaso'), an acquaintance from our village, along with three unidentified men-four individuals in total-had arrived in a four-wheeled vehicle. They were demanding that my son, Prajwal, should apologize for a dispute that had occurred during his wedding; they threatened that if he did not apologize, they would not spare us, and were violently kicking the door. Upon learning this over the phone, I immediately left Satara and arrived at my residence around 10:40 PM. As I was parking my vehicle at my home, Shivjit Mane and his three unidentified accomplices approached me from behind, rushed aggressively towards me, and while the outdoor lights at our house were switched on-proceeded to assault me with kicks and punches.

At that moment, Shivjit Mane said to me, 'Since your son has not apologized to us, we will not spare either him or you alive; I am going to finish you off today.' The other three individuals present also joined in, declaring, 'Let's just kill him right now.' Shivjit Mane then retrieved a can of petrol from his four-wheeled vehicle. His three accomplices held me down while Shivjit Mane poured the petrol from the can over my body, shoved me to the ground, and after lighting a matchstick and throwing it onto my body-causing me to catch fire-I screamed loudly, pleading for help. My wife, Ujjwala, and our neighbor, Pratik Ketan Shinde, rushed to my aid; however, Shivjit Mane and his three accomplices shoved them aside and fled the scene in a vehicle.

My wife, Ujjwala, immediately switched on the borewell pump, sprayed water on my body using a pipe, and extinguished the fire. Subsequently, several villagers-including Rajaram Shinde, Anna Shinde, Amol Shinde, Sandeep Shinde, and Rajaram Maruti Shinde-arrived to offer assistance. I was then transported in Rajaram Shinde's Omni van and admitted to the Civil Hospital, Satara, for medical treatment. The motive behind this attack was my son Prajwal's refusal to offer an apology; on this pretext, Shivjit Mane and his three accomplices physically assaulted [me] with their hands, verbally abused [me], poured petrol over my body, and attempted to kill me. I would be able to identify Shivjit Mane and his three accomplices who attempted to kill me by dousing me in petrol if I will see them again. Therefore, I hereby lodge a formal complaint against Shivjit Mane and his three accomplices. This statement has been recorded exactly as narrated by me; I have read it thoroughly, and I confirm that it accurately reflects my account."

7. During the course of investigation, accused No.2-Yash, accused No.3-Pruthviraj, and accused No.4-Jyotiraditya, who were initially referred to as "unidentified accomplices" in the First Information Report, came to be identified as the assailants allegedly involved in the commission of the offence along with accused No.1-Shivjit Ranjit Mane¹⁰. Their identity was established through a Test Identification Parade conducted by the Executive Magistrate, Satara, wherein they were identified by the eyewitnesses. The said identification was further corroborated by the forensic analysis of the CCTV footage recorded at the scene of occurrence and the mobile-phone video recordings seized by the investigating agency during the course of investigation.

⁹ Hereinafter, referred to as "deceased-complainant" or "deceased".

¹⁰ Hereinafter, referred to as "to accused No.1-Shivjit".

8. Notwithstanding the aforesaid material forming part of the investigation, the learned trial Court *vide* order dated 13th January, 2026, in Sessions Case No. 59 of 2024, granted regular bail to accused No.3 Pruthviraj on the premise that the co-accused had already been enlarged on regular bail. The said two co-accused, with whom parity was established, were none other than accused No.4-Jyotiraditya and accused No.5-Ranjit @ Dadaso, who were granted regular bail by the High Court.

9. The High Court, *vide* order dated 12th November, 2025, passed in Criminal Bail Application No. 3422 of 2025, granted regular bail to accused No.4-Jyotiraditya, assigning the following reasons: -

“5. I have heard both learned counsels, perused the FIR and documents produced on record. The allegations against the applicant are that he recorded the incident of pouring petrol by accused No.1 on deceased and setting him on fire. It appears from the said recording that there was altercation between the deceased and accused No.1 and after that altercation, the accused No.1 poured petrol on deceased and set him on fire. It appears from record that the applicant had not participated in the said act and he recorded the incident. To prove the conspiracy, evidence is required. The applicant is behind bar for more than one year. It may take time to conclude the trial. The applicant is 19 years old student. He has no antecedents.”

10. The High Court, *vide* order dated 8th January, 2026, passed in Criminal Bail Application No.3511 of 2025, granted regular bail to accused No.5-Ranjit @ Dadaso, observing that, although allegations of instigation had been levelled against him, he had not physically participated in the act of setting the deceased-complainant ablaze. The High Court further took into consideration his limited criminal antecedents, completion of investigation and filing of the chargesheet, the fact that charges had not yet been framed, and the likelihood of the trial taking considerable time to conclude, and accordingly held that his continued incarceration as an undertrial would serve no useful purpose.

11. In contrast, the High Court *vide* order dated 27th March, 2026, passed in Criminal Bail Application No.208 of 2026, declined to grant regular bail to accused No.2-Yash, having regard to the *prima facie* nature of the offence as heinous and premeditated. The High Court, upon consideration of the material on record, found that the conscious act attributed to the said accused of transporting the co-accused to the residence of the deceased-complainant, while they were carrying petrol and other inflammable articles and taking them back after commission of the crime, *prima facie* indicated a common intention within the meaning of Section 34 of the IPC. His role as the driver of the vehicle and lookout during the occurrence was considered to be an integral component of the concerted attack, rejecting the contention that he had remained passively present in the vehicle.

12. Being aggrieved, accused No.2-Yash and appellant-State of Maharashtra have approached this Court by way of the instant appeals by special leave.

SUBMISSIONS ON BEHALF OF APPELLANT-STATE OF MAHARASHTRA AND DECEASED COMPLAINANT

13. Learned counsel appearing for the appellant State of Maharashtra and learned counsel appearing for the complainant party urged that the High Court and the learned trial Court had committed grave error in releasing accused No. 3-Pruthviraj, accused No. 4-Jyotiraditya, and accused No. 5-Ranjit @ Dadaso on bail.

14. The learned counsel contended that the allegations levelled against the said accused are grave and serious in nature and that their presence at the place of occurrence and active participation in the ghastly crime has been proved by cogent evidence in form

of statements of witnesses who identified these accused persons in the test identification proceedings.

15. It was further submitted that accused No.4Jyotiraditya himself recorded the gruesome incident in which the deceased-complainant was allegedly set to fire by accused No.1-Shivjit, thereby furnishing concrete evidence establishing his active participation in the occurrence.

16. It was urged that, prior to the incident in which the deceased-complainant was set ablaze, all four accused persons had repeatedly launched an offensive against the house of the deceased-complainant asking for his son, Prajwal, to come out, allegedly with the intention of teaching him a lesson in connection with an incident that had occurred during marriage ceremony of Prajwal. According to the learned counsel, the said conduct, viewed in its entirety, *prima facie* demonstrates that the accused persons had acted in concert with the intent to wreak vengeance upon the complainant party.

17. It was submitted that feeling threatened by the persistent and hostile affronts launched by the assailants at the residence of the deceasedcomplainant, Ujjwala Shinde, wife of the deceasedcomplainant, contacted her husband, Anil Madhukar Shinde (deceased-complainant), who immediately returned and arrived at the spot at approximately 10:40 P.M., only to be aggressively confronted, assaulted, and was given death threats by the group of assailants. While the deceased-complainant was trying to reason with the assailants, a bottle containing inflammable fluid was brought to the spot; the deceased-complainant was forcefully overpowered and restrained by the accused persons. Thereafter, the principal assailant, accused No.1Shivjit, poured the fluid on the deceased-complainant and then set him on fire, while accused No.4-Jyotiraditya continued to record the gruesome incident. The assailants went back in the same vehicle after committing the crime.

18. Thus, it was urged that the conduct of the accused persons, considered cumulatively, demonstrates that their intention was all along to kill the deceased-complainant and that they ultimately succeeded in executing their nefarious design.

19. Learned counsel urged that having regard to the gruesome nature of the offence, the High Court and the learned trial Court were required to undertake a careful and meaningful consideration of the facts and circumstances of the case, as also the crucial evidence collected by the Investigating Officer and only thereafter, should the prayer for bail have been considered. However, the reasoning assigned by the High Court and the learned trial Court, as recorded in the impugned orders for granting bail to the accused persons, is flimsy and laconic, and does not reflect due consideration of the material circumstances bearing upon the gravity of the allegations and the role attributed to the accused persons.

20. It was, therefore, contended that the impugned orders granting bail to accused No.3-Pruthviraj, accused No.4-Jyotiraditya, and accused No.5-Ranjit @ Dadaso, being patently perverse, warrant interference by this Court and are liable to be set aside, and the bail granted to the accused persons deserves to be cancelled. At the same time, learned counsel supported the impugned order dated 27th March, 2026, whereby the application for regular bail made by accused No.2-Yash was rejected by the High Court.

SUBMISSIONS ON BEHALF OF ACCUSED PERSONS

21. *Per contra*, learned counsel representing the accused persons including accused No. 2-Yash, vehemently and fervently opposed the submissions advanced by learned

counsel for the appellant-State of Maharashtra and learned counsel for the deceased-complainant.

22. Learned counsel submitted that the FIR merely contains a general reference to “three unidentified accomplices”, without disclosing their identities or attributing any specific overt act, individual role, or act of violence to accused No.2-Yash, accused No.3-Pruthviraj, or accused No.4-Jyotiraditya. It was contended that the FIR, therefore, does not *prima facie* indicate any active or specific participation on the part of these accused in the commission of the alleged offence. It was submitted that their subsequent identification and implication during the course of investigation cannot, by itself, substitute the absence of any specific attribution in the FIR and must be assessed with due regard to the material collected during investigation.

23. They urged that the accused persons are young college going boys, aged about 20-21 years, and had no knowledge whatsoever that the principal accused, accused No.1-Shivjit, would bring petrol and set the deceased-complainant to fire. It was contended that there was no common intention for these accused persons in the assault made on the deceased-complainant and hence, the High Court and the learned trial Court were justified in granting bail to these accused persons keeping in view the nonattribution of specific role to each of these accused persons.

24. Learned counsel appearing for accused No.5-Ranjit @ Dadaso submitted that the impugned order granting regular bail to the said accused neither suffers from any legal infirmity nor any perversity warranting interference by this Court. It was submitted that it is an admitted position that accused No.5-Ranjit @ Dadaso was not physically present at the place of occurrence when the fatal incident took place. Learned counsel further contended that the allegation of abetment under Section 109 of the IPC levelled against the said accused is wholly unsubstantiated by the material on record and, therefore, does not furnish any basis for interfering with the order granting him regular bail.

ANALYSIS AND CONCLUSION

25. We have given our thoughtful consideration to the facts prevailing on record and have perused the impugned orders passed by the High Court and the learned trial Court.

26. Suffice it to say that the case of accused No.5-Ranjit @ Dadaso, father of the main accused No.1-Shivjit, stands on a materially different footing from that of the other accused persons. It is an admitted position that the said accused was not present at the place of occurrence when the deceased was set ablaze. He has been implicated in the present case with the allegation that the conspiracy was hatched at his instance and that the petrol used in setting the deceased-complainant ablaze was taken out from his motorcycle and handed over to his son i.e., accused No.1-Shivjit. However, the evidence to this effect is circumstantial in nature.

27. Keeping in view the fact that admittedly, accused No.5-Ranjit @ Dadaso was not present at the spot when the ghastly incident of setting the deceased ablaze took place, and the nature of the evidence relied upon against him, we are not inclined to interfere in the order granting bail to the accused No. 5-Ranjit @ Dadaso. The order granting bail to him is thus affirmed.

28. The position, however, stands on a materially different footing insofar as accused No.1-Shivjit, accused No.2-Yash, accused No.3-Pruthviraj, and accused No.4-Jyotiraditya, are concerned.

29. The foundation on which accused No.4-Jyotiraditya was granted regular bail, and which, in turn, formed the basis for extending the benefit of parity to accused No.3-Pruthviraj, has been reproduced above.¹¹ Suffice it to say that, while granting bail, the High Court and the learned trial Court completely overlooked the important facts recorded in the FIR.

30. The deceased-complainant had specifically stated in the FIR that accused No.1-Shivjit and three unknown assailants, who were subsequently identified as accused No.2-Yash, accused No.3-Pruthviraj, and accused No.4-Jyotiraditya, launched repeated attacks on his house on the fateful night. The assailants were trying to call out his son, Prajwal, with the avowed intention of taking vengeance in relation to an earlier incident which happened during Prajwal's wedding. The deceased's wife Ujjwala Shinde, panicked because of the offensive launched by the accused persons in the dead of the night between 9 P.M. and 10 P.M. and hence, fearing for her own safety and the safety of her son, she called the deceased-complainant, who immediately proceeded to his house. The four assailants who arrived together at the place of occurrence in a fourwheeler were carrying a can containing petrol. The accused No.1-Shivjit initially threatened the deceased-complainant and thereafter, he brought the can of petrol from the vehicle, poured the same over the deceased-complainant and threw a burning matchstick on his person thereby setting him ablaze. These facts are narrated in detail in the statement of the deceased-complainant recorded by the police officer based whereupon the FIR came to be registered.

31. The facts as stated above clearly indicate, *prima facie*, that the accused persons were acting in concert and in furtherance of a common intention. They were indulged in a sustained offensive on the house of the deceased-complainant, demanding that his son, Prajwal, should come out and apologize for a dispute which had occurred during Prajwal's wedding and if the apology was not tendered, the complainant party would not be spared. Thus, the intention of all four assailants was to cause harm to the family members of the deceased-complainant. It is not a situation where the dispute erupted suddenly and without any pre-meditation. It was a pre-planned attack launched by these assailants and in the culmination thereof, the deceased-complainant was set afire after inflammable fluid was poured on his body.

32. This Court in **Ram Govind Upadhyay v. Sudarshan Singh & Ors.**¹², **Mahipal v. Rajesh Kumar & Anr.**¹³, **Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana & Anr.**¹⁴, has categorically laid down that in serious offences like murder, the order granting bail must reflect proper application of mind to the facts of the case and justifiable reasons have to be recorded before bail is granted to such an accused. The Court in **Mahipal** (*supra*) observed as follows:-

“26. In *Kalyan Chandra Sarkar v. Rajesh Ranjan* [*Kalyan Chandra Sarkar v. Rajesh Ranjan*, (2004) 7 SCC 528], a two-Judge Bench of this Court was required to assess the correctness of a decision [*Rajesh Ranjan v. State of Bihar*, Criminal Misc. No. 28179 of 2002, order dated 23-5-2003 (Pat)] of a High Court enlarging the accused on bail. Santosh Hegde, J. speaking for the Court, discussed the law on the grant of bail in non-bailable offences and held : (SCC p. 535, para 11)

¹¹ *Supra* para No. 9.

¹² (2002) 3 SCC 598.

¹³ (2020) 2 SCC 118.

¹⁴ (2021) 6 SCC 230.

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, *there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from nonapplication of mind.*”

27. Where an order refusing or granting bail does not furnish the reasons that inform the decision, there is a presumption of the nonapplication of mind which may require the intervention of this Court. Where an earlier application for bail has been rejected, there is a higher burden on the appellate court to furnish specific reasons as to why bail should be granted.”

(Emphasis Supplied)

33. This Court, in ***Shabeen Ahmad v. State of Uttar Pradesh***¹⁵, reiterated the settled principles governing the exercise of jurisdiction in matters concerning grant of bail and power of the appellate court to interfere with and set aside an order granting bail which is bereft of cogent reasons, and observed as follows:-

“18. A superficial application of bail parameters not only undermines the gravity of the offence itself but also risks weakening public faith in the judiciary’s resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalising a crime that continues to claim numerous innocent lives. These observations regarding grant of bail in grievous crimes were thoroughly dealt with by this Court in *Ajwar v. Waseem* [*Ajwar v. Waseem*, (2024) 10 SCC 768] in the following paras : (SCC pp. 783-84, paras 26-28)

“26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer: *Chaman Lal v. State of U.P.* [*Chaman Lal v. State of U.P.*, (2004) 7 SCC 525] ; *Kalyan Chandra Sarkar v. Rajesh Ranjan* [*Kalyan Chandra Sarkar v. Rajesh Ranjan*, (2004) 7 SCC 528]; *Masroor v. State of U.P.* [*Masroor v. State of U.P.*, (2009) 14 SCC 286]; *Prasanta Kumar Sarkar v. Ashis Chatterjee* [*Prasanta Kumar Sarkar v. Ashis Chatterjee*, (2010) 14 SCC 496] ; *Neeru Yadav v. State of U.P.* [*Neeru Yadav v. State of U.P.*, (2014) 16 SCC 508]; *Anil Kumar Yadav v. State (NCT of Delhi)* [*Anil Kumar Yadav v. State (NCT of Delhi)*, (2018) 12 SCC 129]; *Mahipal v. Rajesh Kumar* [*Mahipal v. Rajesh Kumar*, (2020) 2 SCC 118]

27. It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order. In *P. v. State of M.P.* [*P. v. State of M.P.*, (2022) 15 SCC 211] decided by a three Judge Bench of this Court [authored by one of us (Hima Kohli, J.)] has spelt out the considerations that must weigh with the

¹⁵ (2025) 4 SCC 172.

Court for interfering in an order granting bail to an accused under Section 439(1)CrPC in the following words : (SCC p. 224, para 24)

‘24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [*Dolat Ram v. State of Haryana*, (1995) 1 SCC 349] . To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court.’

Considerations for setting aside bail orders

28. The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. **Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused.”**

(Emphasis Supplied)

34. On going through the order dated 12th November, 2025 passed by the High Court in the case of accused No.4-Jyotiraditya, which is the foundational bail order following which accused No. 3-Pruthviraj was granted bail on parity by the trial Court, we fail to find any such reasons which could justify the grant of bail to the said accused. The reasons assigned by the High Court for granting bail are flimsy and untenable in the eyes of law.

35. The High Court and the learned trial Court completely ignored the preceding facts where all the four accused persons continuously attacked the house of the complainant party threatening that they would not spare the complainant party in case Prajwal failed to apologize.

36. The fact that the accused persons were prepared well in advance to commit some grave offence is *prima facie* borne out from the fact that the can containing petrol was carried in the vehicle in which all four accused persons had arrived at the crime scene. The time of the incident, the prior preparation of the accused persons to commit the crime and the repeated threats extended to the complainant party constitute significant and grave circumstances, which, when considered cumulatively, indicate the premeditated nature of the ghastly attack in which an innocent human being was burnt alive by pouring inflammable fluid on his body.

37. In our considered view, the aforesaid circumstances weigh heavily against the grant of the discretionary relief of bail and disentitle the accused persons from claiming the indulgence of bail.

38. We make it clear that the observations made hereinabove are confined solely to the consideration of the prayer for grant or cancellation of bail. Nothing contained in this order shall be construed as an expression of opinion on the merits of the case, nor shall any of the observations hereinabove influence or prejudice the learned trial Court in the

adjudication of the case on its merits. The trial Court is directed to complete the trial within a period of two years from the date of presentation of this order.

39. As an upshot of the aforesaid discussion, the Crl. Appeal @ SLP (Crl.) Nos. 11037 of 2026 and 11039 of 2026 preferred by the appellant-State of Maharashtra are accordingly allowed and order dated 12th November, 2025 passed by the High Court granting bail to accused No. 4-Jyotiraditya and order dated 13th January, 2026 passed by the learned trial Court granting bail to accused No. 3-Pruthviraj, are hereby set aside. The bail granted to these accused persons is cancelled. They shall surrender within a period of three weeks from today, failing which the learned trial Court shall take appropriate steps to arrest these accused persons and bring them to trial.

40. The appeal filed by accused No. 2-Yash¹⁶ and the appeal filed by the appellant-State of Maharashtra against grant of bail to accused No. 5Ranjit @ Dadaso¹⁷, are dismissed as being devoid of merit.

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

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¹⁶ Crl. Appeal @ SLP(Crl.) No. 6992 of 2026.

¹⁷ Crl. Appeal @ SLP(Crl.) No. 11038 of 2026.