IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. OF 2026
(arising out of SLP(Crl.) Nos. 6555-6559/2026)

JAGANNATH MANDANGI ..... APPELLANT(S)

VERSUS

STATE OF ODISHA & ANR. ETC. ..... RESPONDENT(S)

O R D E R

1. **Leave granted.**

2. **The appellant in these appeals, Jagannath Mandangi, is the complainant in P.S. Case/First Information Report (FIR) No. 208/2010 dated 23.12.2010 registered with Police Station – Rayagada, District – Rayagada, Odisha, for offences punishable under Sections 120B, 302, 201, 364 and 34 of the Indian Penal Code, 1860. The said P.S. Case/FIR was re-registered as FIR No. 10/2011 dated 05.04.2011 by the CID CB, Odisha, Cuttack.**

3. **The appellant is aggrieved by the order dated 22.01.2026 passed by the High Court of Orissa at Cuttack in ABLAPL Nos. 13154/2024, 12708/2024, 13155/2024, 13820/2024 and 13901/2024, filed by the private respondents in these appeals, seeking anticipatory bail in relation to the aforestated P.S. Case/FIR. By the said order, the High Court expressly opined that it was**

Signature Not Verified
Digitally signed by Deepak Gugnani
Date: 2026.10.27 17:42:12 IST
Reason:

not inclined to grant pre-arrest bail to the respondents. However, having stated so, the High Court directed them to surrender before the trial Court and move applications for grant of regular bail within two weeks and upon their doing so, the trial Court was directed to release each of them on bail, subject to their furnishing bail bonds of ₹50,000/- (Rupees fifty thousand only) each with two solvent sureties each of the like amount. The High Court also imposed further conditions, for grant of such relief, to the effect that they should not indulge in any criminal activity while they were on bail; they should not harass, threaten or terrorize any of the prosecution witnesses; they should not tamper with any prosecution evidence; they should appear before the trial Court on each and every date fixed unless their personal appearances were dispensed with by the trial Court in accordance with law; and they should not leave the jurisdiction of the trial Court without seeking its permission. The High Court also left it open to the trial Court to impose any other conditions as would be deemed just and proper.

4. **We are informed that acting upon the aforestated directions, the respondents surrendered and filed applications for grant of regular bail before the learned Sub-Divisional Judicial Magistrate (SDJM), Rayagada, and by order dated 30.01.2026, the learned SDJM, adhered to the directions of the High Court and granted bail to the respondents.**

5. **Once the High Court came to the conclusion that no case was**

made out for grant of anticipatory bail, it was not for the High Court to direct as to how the future should unfold. The High Court not only advised the respondents as to their next course of action but also decided and dictated the terms on which they were to be granted bail by the trial Court. The positive directions of the High Court, apart from being in excess of the jurisdiction that it was exercising under Section 438 of the Code of Criminal Procedure, 1973, completely usurped the role to be played by the trial Court upon the filing of regular bail applications at the appropriate stage by the respondents. In effect, the trial Court was left with no discretion to adjudicate such bail applications on their own merits and in accordance with law.

6. **The impugned order, to the extent it issued directions in paragraph 19 thereof is, accordingly, set aside. The order shall, however, stand confirmed insofar as rejection of the respondents' prayer for grant of anticipatory bail is concerned. In consequence, the order dated 30.01.2026 passed by the learned Sub-Divisional Judicial Magistrate, Rayagada, shall also stand set aside and the respondents shall surrender within two weeks. The bail bonds and sureties furnished by them shall stand discharged at that stage.**

7. **This order shall, however, not preclude the respondents from seeking relief at the appropriate stage before the appropriate forum in accordance with law, consequent upon the rejection of their anticipatory bail applications by the High Court.**

8. **The appeals are disposed of in the above terms.**

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

.....J.
(SANJAY KUMAR)

.....J.
(SANJEEV SACHDEVA)

NEW DELHI;
OCTOBER 26, 2026.

ITEM NO.1 COURT NO.7 SECTION II-B

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.) Nos. 6555-6559/2026

[Arising out of impugned final judgment and order dated 22-01-2026 in ABLAPL Nos. 13154/2024, 12708/2024, 13155/2024, 13820/2024 and 13901/2024 passed by the High Court of Orissa at Cuttack]

JAGANNATH MANDANGI Petitioner(s)

VERSUS

STATE OF ODISHA & ANR. ETC. Respondent(s)

IA No. 302548/2026 - CONDONATION OF DELAY IN FILING COUNTER AFFIDAVIT and IA No. 301746/2026 - CONDONATION OF DELAY IN FILING COUNTER AFFIDAVIT

WITH

Diary No. 52077/2026 (II-B)
IA No. 294295/2026 - CONDONATION OF DELAY IN FILING, IA No. 294292/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 294298/2026 - EXEMPTION FROM FILING O.T.

Date : 26-10-2026 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

For Petitioner(s) :
Mr. Tushar Garg- 4215, AOR
Mr. Dhruv Raman Singh, Adv.
Mr. Dr. Sumit, Adv.
Mr. Himanshu Shammi, Adv.
Mr. Rithin Gopi TG, Adv.

Mr. Suchit Mohanty, Adv.
Mr. Samarth Mohanty, Adv.
Ms. Talat Chaudhary, Adv.
Ms. Vandana Kaushal- 3526, AOR

For Respondent(s) :
Mr. Anjuman Tripathy- 3495, AOR
Mr. Mohit Singh Sikarwar, Adv.

Mr. R. Basant, Sr. Adv.
Mr. Raunak Arora, Adv.
Mr. Debabarata Dash, Adv.

Ms. Apoorva Sharma, Adv.
Mr. Amit P. Bose, Adv.
Ms. Aditi Gouda, Adv.
Mr. Soubhagya Ranjan Pati, Adv.
Mr. Deepak Zindal, Adv.
Mrs. Pooja Garg, Adv.
Mr. Tushar Garg- 4215, AOR

Ms. Rashmi Nandakumar, AOR
Ms. Shomona Khanna, Adv.
Ms. Yashmita Pandey, Adv.
Ms. Ayesha Nasir Alavi, Adv.

Ms. Anindita Mitra- 2634, AOR
Ms. Srishti Ghoshal, Adv.

UPON hearing the counsel, the Court made the following

O R D E R

Criminal Appeals @ SLP(Crl.) Nos. 6555-6559/2026

Leave granted.

The appeals are disposed of in terms of the signed order.

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

SLPs(Crl.) @ Diary No. 52077/2026

The respondents in the connected appeals, viz. Criminal Appeals @ SLP(Crl.) Nos. 6555-6559/2026, having acted upon the directions of the High Court and having secured relief by way of regular bail from the learned Sub-Divisional Judicial Magistrate (SDJM), Rayagada, filed the present special leave petitions on 24.08.2026, obviously due to the filing of the special leave petitions from which the aforestated appeals arose. They now seek to challenge the very same order dated 22.01.2026 passed by the High Court of Orissa at Cuttack in the context of the expression of the opinion therein to the effect that the High Court was not inclined to grant anticipatory bail. However, as the petitioners

admittedly garnered benefit under the very same order which they now seek to impugn and as this attempt on their part is only to steal an advantage owing to the filing of the special leave petitions by the complainant in the First Information Report, we are of the opinion that these special leave petitions are nothing short of an abuse of process and deserve to be treated as such.

The condone delay application and the special leave petitions are, accordingly, dismissed.

(DEEPAK GUGLANI) **(PREETI SAXENA)**
DEPUTY REGISTRAR **COURT MASTER (NSH)**

(signed order in Crl.As. @ SLP(Crl.) Nos. 6555-6559/2026 is placed on the file)