

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2025
(arising out of SLP(Crl.) No. 17118 of 2025)

GURIYA SWAYAM SEVI SANSTHAN APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH & ANR. RESPONDENT(S)

O R D E R

Leave granted.

The appellant, Guriya Swayam Sevi Sansthan, is before this Court aggrieved by the grant of regular bail to respondent No. 2, Tulsi, wife of late Mehtab, in connection with Case Crime/First Information Report (FIR) No. 300/2005 (Sessions Trial No. 651/2020) registered with Police Station - Manduadih, District - Varanasi, Uttar Pradesh, for the offences punishable under Sections 372 and 373 of the Indian Penal Code, 1860, along with Sections 3, 4, 5, 6 and 9 of the Immoral Traffic (Prevention) Act, 1956¹. We find from the impugned judgment/order dated 19.05.2025 passed by a learned Judge of the High Court of Judicature at Allahabad, that the gravity of the offences alleged against respondent No. 2 was not even considered. Merely stating as follows, the learned Judge proceeded to allow the application: -

1 "1956 Act", for short

"Keeping in view the nature of the offence, evidence, complicity of the accused, submissions of the learned counsel for the parties, larger mandate of the Article 21 of the Constitution of India, considering the recent judgment dated 11.07.2022 of the Apex Court in the case of Satendra Kumar Antil vs. C.B.I., passed in S.L.P.(Crl.) No. 5191 of 2021 and considering 5-6 times overcrowding in jails over and above their capacity by the under trials and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed."

We find that such orders are routinely being passed without reference to the nature and seriousness of the offences involved and without considering the factual situation obtaining in that particular case. Even if the High Court is overburdened, it is expected to apply its mind while passing orders of bail. More so, in matters of this nature, involving allegations of trafficking of children.

That apart, we find that respondent No. 2, Tulsi, has past criminal antecedents. Five cases were registered against her, viz., Crime Nos. 274/2005, 280/2005, 57/2019, 99/2019 and 111/2019, all registered with Police Station - Manduadih, District - Varanasi, Uttar Pradesh. Two of these cases involve allegations under the 1956 Act.

Further, we find that the victim girl, who was examined as a witness, specifically spoke of the active involvement of respondent No. 2, Tulsi, in the course of her trafficking.

In these circumstances, we find the order of bail passed by the High Court to be completely and utterly unsustainable.

The appeal is, accordingly, allowed, setting aside the impugned judgment/order dated 19.05.2025.

Respondent No. 2 shall surrender within one week from today.

We are surprised to see that the State of Uttar Pradesh did not independently come forward to seek cancellation of a bail order of this nature in a matter of this nature. We leave it at that.

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

..... J.
(SANJAY KUMAR)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI;
JANUARY 23, 2026.

ITEM NO.33

COURT NO.11

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. 17118/2025

[Arising out of impugned final judgment and order dated 19-05-2025 in CRMBA No. 16618/2025 passed by the High Court of Judicature at Allahabad]

GURIYA SWAYAM SEVI SANSTHAN

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(FOR ADMISSION, IA No. 251071/2025 - CONDONATION OF DELAY IN
REFILING / CURING THE DEFECTS, IA No. 251070/2025 - EXEMPTION FROM
FILING O.T. and IA No. 251069/2025 - PERMISSION TO FILE PETITION
(SLP/TP/WP/..))

Date : 23-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Ms. Aparna Bhat, Sr. Adv.
Mr. Pranav Gupta, AOR
Ms. Karishma Maria, Adv.
Mr. Gopal Krishna, Adv.
Mr. Kunal Awana, Adv.
Mr. Abhishek Dash, Adv.

For Respondent(s) :

Mr. Garvesh Kabra, AOR
Mrs. Pooja Kabra, Adv.
Mrs. Nikita Kabra Jaju, Adv.
Mr. Ankur Agnihotri, Adv.
Mr. Kanik Jindal, Adv.

Mr. Bhuvan Raj, AOR
Mr. Kartik Arora, Adv.
Ms. Disha Chaudhary, 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.

**(DEEPAK GUGLANI)
AR-cum-PS**

(signed order is placed on the file)

**(PREETI SAXENA)
COURT MASTER (NSH)**