

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

CRIMINAL APPEAL NOS. OF 2025
(Arising out of SLP (Crl.) Nos. 6677-6681 of 2025)

SREEJA D G ETC.

Appellant (s)

VERSUS

ANITHA R. NAIR & ANR.

Respondent(s)

O R D E R

1) Leave granted.

2) Challenging the common order dated 04.02.2025 passed by the High Court¹ in Bail Application Nos. 914, 922, 924, 925 and 971 of 2025 granting anticipatory bail to respondent No.1 - accused in Crime No. 928 of 2024, Crime No. 1148 of 2024, Crime No. 1165 of 2024, Crime No. 1170 of 2024 and Crime No. 1503 of 2024 registered with Chingavanam Police Station, Kottayam, for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860, (hereinafter referred to as "**IPC**") and also under Sections 21 and 23 of the Banning of Unregulated Deposit Schemes Act, 2019, (hereinafter referred to

1 High Court of Kerala at Ernakulum

"BUDS Act") the complainants have knocked the doors of this Court by filing the instant appeals.

3) The operative portion of the impugned order dated 04.02.2025, granting anticipatory bail is relevant; therefore, reproduced as under:

"10. Considering the dictum laid down in the above decision and considering the facts and circumstances of this case, these Bail Applications are allowed with the following directions:

1.The petitioner shall appear before the Investigating Officer within two weeks from today and shall undergo interrogation.

2.After interrogation, if the Investigating Officer propose to arrest the petitioner, she shall be released on bail on executing a bond for a sum of Rs.50,000/-(Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the arresting officer concerned.

3.The petitioner shall appear before the Investigation Officer for interrogation as and when required. The petitioner shall co-operate with the investigation and shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer.

4.Petitioner shall not leave India without permission of the jurisdictional Court.

5.Petitioner shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected.

6. The petitioner shall surrender her passport before the investigating officer, at the time of surrender.

7.The petitioner shall appear before the investigating officer on all Mondays at 10.00 am for a period of one month and thereafter, as and when required.

8.Needless to mention, it would be well within the powers of the investigating officer to

investigate the matter and, if necessary, to effect recoveries on the information, if any, given by the petitioner even while the petitioner is on bail as laid down by the Hon'ble Supreme Court in *Sushila Aggarwal v. State (NCT of Delhi)* and another [2020 (1) KHC 663].

7.If any of the above conditions are violated by the petitioner, the jurisdictional Court can cancel the bail in accordance to law, even though the bail is granted by this Court. The prosecution and the victim are at liberty to approach the jurisdictional Court to cancel the bail, if any of the above conditions are violated."

4) It is also relevant to mention that respondent No.1 is an accused in 31 cases of similar nature and she has been granted anticipatory bail in 27 out of 31 cases *vide* the common impugned order. Assailing the order of grant of anticipatory bail, the present appeals have been filed wherein notice was issued on 09.04.2025.

5) After filing counter affidavit by the respondent on 14.07.2025, wherein certain facts were disclosed; however, on the research made by the residential office, it was found that application bearing Criminal Miscellaneous Case No. 6178 of 2025 was filed before the High Court on 06.07.2025 seeking permission to travel abroad, relaxing the condition as specified in the order of the High

Court.

6) The High Court, during the pendency of the special leave petitions (the present case) wherein the order of grant of anticipatory bail was under challenge, took cognizance of the aforementioned application and passed orders on 07.08.2025. The relevant portion of the order is reproduced as under:

"The prayer in this Criminal Miscellaneous Case is to permit the petitioner to travel to Singapore for resuming his employment. The permission has been sought in view of the restriction against traveling abroad imposed by this Court while granting bail to the petitioner as per Annexures A-1 and A-2 common orders passed in separate bail applications.

2. It is pointed out by the learned Public Prosecutor that the petitioner ought to have filed separate cases for modification of the condition in each bail application.

3. Although I find merit in the said submission, insofar as the Crl.M.C. is numbered, rather than filing separate cases, the petitioner can be directed to remit court fees separately.

4. The petitioner is therefore directed to pay court fee separately on each bail application, regarding which he is seeking modification of the condition imposed as per Annexures A-1 and A-2 common orders.

Post on 11.08.2025."

7) The High Court directed to pay separate Court fees for each bail application and on 12.08.2025, the following order was passed:

"Petitioner is the accused in 31 crimes registered at the Chingavanam Police Station for offences under Sections 406 and 420 of IPC and Sections 21 and 23 of the Banning of Unregulated Deposit Schemes Act, 2019. The petitioner was granted bail in all 31 crimes as per Annexures A-1 and A-2 orders of this Court, subject to conditions. This Crl.M.C. is filed seeking modification of condition No. 4 requiring the petitioner to seek permission of the jurisdictional court for leaving India.

2. Learned counsel pointed out that in view of the objection raised by the learned Public Prosecutor and the order passed by this Court, separate court fees have been paid for modification of the condition in each application for anticipatory bail, on which the common order is passed.

3. Learned Public Prosecutor submitted that, considering the number of cases in which the petitioner is an accused, her presence for the purpose of investigation and trial of the cases must be ensured.

4. Considering that the restriction, if continued, will result in the petitioner's Visa expiring and that the pendency of crimes cannot be a bar for the movement of a citizen, I deem it appropriate to modify the condition.

The Crl.M.C. is accordingly disposed of by deleting condition No. 4 in Annexures A-1 and A-2 orders and permitting the petitioner to leave India for a period of two weeks, subject to the following conditions;

i) Before leaving the country, the petitioner shall file an affidavit before the jurisdictional court containing details of her travel program, her overseas address including mobile numbers and email ids. She shall also produce copies of the travel documents.

ii) The petitioner shall appear before the court below as and when directed.

iii) The petitioner shall file a memo in the court below of her return from abroad.

iv) Breach of any one of the conditions mentioned above shall be a ground for the cancellation of the

permission granted by this order."

8) As such, the High Court granted permission to respondent No.1 to leave the country subject to filing of affidavit before the jurisdictional Court and with such other conditions as specified therein. Subsequently, the High Court, on an application filed by the respondent being Crl.M.Appl. 1/2025 in Crl.MC 6178/2025, passed an order dated 23.08.2025 and clarified the order dated 12.08.2025, recording the finding that the submissions as made by the respondent are well-founded and directed release of passport.

9) It is clear from the above sequel of facts that the High Court's order granting anticipatory bail with conditions was under challenge before this Court, and the respondent had appeared, the matter was under this Court's jurisdiction. The question, therefore, is how the High Court could then entertain and proceed with an application to modify that same order. Even more shocking is the conduct of the respondent-accused in not even making a whisper about the application or the orders passed

thereon in her counter affidavit, which was filed on 14.07.2025, i.e. after the CrI.MC 6178/2025 seeking modification was filed before the High Court and it had passed certain orders on it.

10) Later, we have perused the proceedings of this case and the orders passed by the High Court and found that during the pendency of the special leave petitions, the High Court modified the conditions though the order of grant of anticipatory bail with conditions was under challenge and this Court was seized of the matter.

11) In such circumstances, by a detailed order dated 04.09.2025, explanations were sought. The relevant part of the said order is reproduced as under:

"11. In view of the foregoing, in our view, the orders passed by the High Court modifying the order which is under challenge before this Court, during the pendency of this special leave petition, is contrary to the judicial propriety and discipline which is expected from the High Court. Considering the aforesaid, we stay all the orders passed by the High Court in Criminal Miscellaneous Case No. 6178 of 2025 and in Criminal Miscellaneous Application No. 1 of 2025 until further orders.

12. On a query being put as to whether the High Court was apprised about the pendency of the

present special leave petition, the learned Senior Counsel appearing for the respondent no. 1 - accused submitted that the pleadings in the Crl.MC filed before the High Court categorically mentioned the factum of pendency of the present SLP. In our view, even though the Crl.MC. was filed by the respondent no. 1 - accused before the High Court on 06.07.2025, whereafter, this special leave petition has been listed before this Court on 14.07.2025, 25.07.2025 and 25.08.2025, yet, the said fact of filing of the application for modification and passing of orders thereon, was not brought to the notice of this Court. The Counter Affidavit of respondent no. 1 - accused in the present matter has been filed on 14.07.2025 without making a whisper about any such application for modification being filed. We would like to reserve our views in respect of the conduct of the respondent no. 1 - accused for the time being, while expressing our grave displeasure.

13. Meanwhile, let notice be issued to respondent no.1 - accused as to why, on account of concealment of facts, the protection of pre-arrest bail as allowed by the order impugned, should not be cancelled on account of her conduct. The response be filed within three weeks attaching all the relevant documents produced before the High Court or before the concerned trial Court.

14. List this case for further orders on 26.09.2025.

15. In the meanwhile, respondent No. 1 - accused shall immediately surrender her passport and she shall not leave India without the permission of this Court."

12) In furtherance thereto, additional affidavit dated 20.09.2025 has been filed, purportedly trying to justify the conduct on the part of respondent no. 1, *inter alia*, suggesting that the filing of application before the High Court was not mentioned

before this Court due to oversight, however, we were not satisfied by the said justification.

13) Thereafter, we granted some time to the State's counsel to file the details of the allegations with material indicating the complicity of the respondent in the commission of the offence. Compliance affidavit dated 10.10.2025 has been placed by the State on record which we have perused.

14) We have heard learned counsel appearing on behalf of the parties at length and from the facts, it is clear that it is a case in which poor citizens have been cheated under the pretext of making deposits with Kelamangalam Financials & Investments run by the husband of the respondent No.1, on assurance of higher payment of interest.

15) As per the material placed, it is clear that respondent No.1 was serving in a Cooperative Bank persuading poor persons to deposit their money in the said company run by her husband. Allured by promise of higher interest rates and persuasion of the respondent along with her family, several poor

persons invested their hard-earned money with the Kelamangalam Financials & Investments which is allegedly run by her husband and upon non-repayment of the money, the present FIRs got registered.

16) Respondent No.1 is accused in 31 criminal cases while her husband is accused in 51 criminal cases. It is also a fact that other family members (except her mother-in-law) who are accused in the matter, have left India and are evading their arrest with an intent to escape the clutches of law.

17) Considering all the circumstances, in our view, it is not a fit case in which the High Court should have exercised its discretion and allowed pre-arrest bail to respondent No.1 herein. The High Court was not justified in directing the grant of anticipatory bail to respondent No. 1. It is further to observe that the orders passed by the High Court modifying the impugned order during the pendency before this Court indicates judicial impropriety which is not expected from the High Court. With these observations, we allow the appeals filed by the

complainants and set aside the impugned orders passed by the High Court.

18) In case respondent No.1 has been released on anticipatory bail in other cases, the appellants are at liberty to take recourse as permissible.

19) Respondent No. 1 shall surrender within 10 days otherwise the Court may take recourse as permissible.

20) It is made clear that the observations as made hereinabove, only relate to deciding the issue of grant of anticipatory bail and the conduct of the respondent-accused, which may not have any bearing on the merits.

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

....., J.
[J.K. MAHESHWARI]

....., J.
[VIJAY BISHNOI]

New Delhi;
October 13, 2025.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) Nos. 6677-6681/2025
[Arising out of impugned final judgment and order dated 04-02-2025
in BA No. 914/2025 04-02-2025 in BA No. 922/2025 04-02-2025 in BA
No. 924/2025 04-02-2025 in BA No. 925/2025 04-02-2025 in BA No.
971/2025 passed by the High Court of Kerala at Ernakulam]

SREEJA D G ETC.

Petitioner(s)

VERSUS

ANITHA R. NAIR & ANR.

Respondent(s)

Date : 13-10-2025 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) : Mr. V Chtambareash, Sr. Adv.
Mr. Jogy Scaria, AOR
Mr. C Govind Venugopal, Adv.
Mr. E Krishna Perumal, Adv.
Mr. Ashwani Kumar Soni, Adv.

For Respondent(s) : Mr. Ragenth Basant, Sr. Adv.
Mr. Bijo Mathew Joy, AOR
Ms. Gifty Mariam Joseph, Adv.
Ms. Hima Bardwaj, Adv.

Mr. P.V. Dinesh, Sr. Adv.
Mr. Harshad V. Hameed, AOR
Mr. Dileep Poolakkot, Adv.
Mrs. Ashly Harshad, Adv.
Mr. Mahabir Singh, Adv.
Mr. Anshul Saharan, Adv.
Mr. Anna Oommen, Adv.

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

- 1) Leave granted.
 - 2) The appeals are allowed in terms of the signed order.
- Pending application(s), if any, shall stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(NAND KISHOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file.]