



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2025
(@ SLP(CRL.) NO. 8310/2025)

MAHESH CHANDRA PATHAK

Appellant(s)

VERSUS

STATE OF U.P.

Respondent(s)

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 21.03.2025 passed by the High Court of Judicature at Allahabad in Criminal Misc. Bail Application No.7858 of 2025.

The appellant herein has been booked for the crime registered pursuant to FIR No.437 of 2024 dated 08.09.2024 lodged with Police Station Bisauli, District Budaun, Uttar Pradesh in respect of the offences punishable under Sections 85, 80 and 49 of the Bharatiya Nyaya Sanhita, 2023 ("BNS") and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

An application seeking regular bail having been rejected by the High Court *vide* impugned order dated 21.03.2025, the appellant has preferred the instant appeal.

This Court *vide* its order dated 29.05.2025, issued notice in the instant matter.

Heard learned counsel for the appellant in support of the appeal and learned counsel for the State and perused the material on record.

Learned counsel for the appellant submitted that the appellant is the father-in-law of the deceased and a senior citizen; that the appellant is in jail since 16.12.2024 and that the allegations as against the appellant are wholly false. The deceased's husband and the deceased were living separately and the appellant, his wife were not living with the deceased and her husband. This is also evident on a reading of the FIR dated 08.09.2024. In the circumstances, the appellant who is a senior citizen may be granted the relief of regular bail by setting aside the impugned order as there are twenty-one witnesses to be examined and the trial would inevitably be delayed.

Per contra, learned counsel for respondent-State with reference to her counter affidavit contended that there is no merit in this appeal; that the High Court was justified in rejecting the bail application filed by the appellant herein. Hence, this appeal may be dismissed.

Considering the facts on record, in our view, the case for bail is made out.

We, therefore, allow this appeal and direct as under:

"The appellant shall be produced before the concerned Trial Court as early as possible and the Trial Court shall release him on bail, subject to such conditions as it may deem appropriate to impose to ensure his presence in the proceedings arising out of FIR No. 437 of 2024 mentioned above."

It is directed that the appellant shall extend complete cooperation in the trial of the instant case. The appellant shall not misuse his liberty in any manner.

Any infraction of the conditions shall entail cancellation of bail granted to the appellant.

With these observations, the Criminal Appeal is allowed.

....., J.
(B.V. NAGARATHNA)

....., J.
(K.V. VISWANATHAN)

NEW DELHI;
JULY 25, 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.) No(s). 8310/2025
[Arising out of impugned final judgment and order dated 21-03-2025
in CRMA No. 7858/2025 passed by the High Court of Judicature at
Allahabad]

MAHESH CHANDRA PATHAK

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(FOR ADMISSION

IA No. 136675/2025 - EXEMPTION FROM FILING O.T.

IA No. 136677/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 25-07-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Neeraj Kumar Verma, AOR

For Respondent(s) Ms. Arushi Singh, Adv.
Ms. Sakshi Kakkar, AOR
Ms. Yashika Varshney, Adv.
Mr. Ashutosh Kr. Tiwari, Adv.
Ms. Riya Parihar, Adv.

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

Leave granted.

Criminal Appeal is allowed in terms of the signed order.

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

(RADHA SHARMA)

ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)

COURT MASTER (NSH)

(Signed order is placed on the file)