



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2026
(@ SPECIAL LEAVE PETITION (CRIMINAL) NO.9810/2026)

KANHA @ KANHAIYA SINGH

APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

RESPONDENT(S)

ORDER

1. Leave granted.
2. We have heard learned counsel for the appellant and learned counsel for the respondent-State of Madhya Pradesh.
3. Appellant(s) is aggrieved by order dated 20.03.2026 passed by the High Court of Madhya Pradesh at Indore (briefly the 'High Court' hereinafter), rejecting the regular bail application of the appellant.
4. Appellant is an accused in Crime No.548/2025 registered at Police Station- Station Road, District- Ratlam, Madhya Pradesh under Sections 137(2), 65(2), 64(2) (m) and 87 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS'); Sections 3(A), 4(2) and 5(m)/6 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act'); and Sections 3(1)(w)(II) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention

of Atrocities) Act, 1989.

5. The accusation against the appellant is that he was a tenant residing in the neighbourhood of the victim. Despite being a married person, he attempted to abduct the elder sister of the victim leading to registration of Crime No.259/2025. Thereafter, the victim informed her mother that appellant had sexually exploited her for about a month, leading to registration of the present case.

6. Appellant is in custody since 10.09.2025.

7. This Court had issued notice vide order dated 24.07.2026, pursuant to which respondent-State of Madhya Pradesh has filed counter affidavit to which appellant has filed rejoinder affidavit.

8. Learned counsel for the appellant submits that the present case is a fallout of his relationship with the elder sister of the so called victim. It is only to harass the appellant for his involvement with the elder daughter that the present case has been registered. In any view of the matter, appellant has been in custody for more than one year now. Therefore, appellant should be enlarged on bail.

9. Learned counsel for the respondent-State of Madhya Pradesh, on the other hand, submits that appellant has been convicted in the case arising out of Crime NO.259/2025 on 01.07.2026. In the present case, prosecutrix is a minor girl and the accusation against the appellant is serious. Insofar the trial is concerned,

prosecution proposes to examine 15 witnesses, out of which 05 witnesses have been examined. In such circumstances, releasing the appellant on bail may not be appropriate.

10. Responding to the above, learned counsel for the appellant submits that appellant has preferred an appeal against his conviction and is confident of success in the appeal. Insofar the present case is concerned, he submits that he has been falsely implicated in this case only with a view to teach him a lesson.

11. We have heard learned counsel for the parties and perused the materials on record.

12. From a perusal of the impugned order, we find that the High Court declined to grant bail to the appellant, taking the view that granting of bail may have ramifications on the social order and the "*morals*" of the victim's family.

13. We are of the view that Courts should refrain from imposing the personal views or value judgment of the Presiding Judge on morality or otherwise while adjudicating a matter relating to bail, or even a criminal trial of an accused.

14. Insofar the present case is concerned, we find that appellant has already undergone more than one year of incarceration. It would take some more time for the trial to conclude. In such circumstances, we are of the view that a case for bail is made out.

15. That being the position, the impugned order dated

20.03.2026 passed by the High Court is set aside.

16. Consequently, we direct that the appellant shall be produced before the concerned jurisdictional Special Court within a maximum period of 07 days from today, whereafter he shall be released on bail on such terms and conditions as may be deemed appropriate. This bail order would be subject to the appellant being in custody in the connected criminal appeal where he has assailed his conviction by the Trial Court.

17. Accordingly, the Criminal Appeal is allowed.

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

.....J.

[UJJAL BHUYAN]

.....J.

[ATUL S. CHANDURKAR]

NEW DELHI;
23rd SEPTEMBER, 2026.
AK

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 9810/2026

[Arising out of impugned final judgment and order dated 20-03-2026 in MCRLC No. 11282/2026 passed by the High Court of Madhya Pradesh at Indore]

KANHA @ KANHAIYA SINGH

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

Respondent(s)

(IA No. 161080/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 23-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s): Mr. Yamak Sharma, Adv.
Mr. Brijesh Sharma, Adv.
Mr. Utkarsh Joshi, Adv.
Ms. Mahima Pandey, Adv.
Mr. Alabhya Dhamija, AOR
Mr. Surya Pratap Tyagi, Adv.

For Respondent(s): Mr. Aditya Vaibhav Singh, Adv.
Mr. Raghvendra Shukla, Adv.
Mr. Pashupathi Nath Razdan, AOR

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

1. Leave granted.
2. The Criminal Appeal is allowed in terms of the signed order placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(ABHINAV KUMAR)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)