IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(arising out of SLP(Crl.) No. 10077/2026)

LAXMI RAY ..... APPELLANT

VERSUS

STATE OF ODISHA & ORS. ..... RESPONDENTS

with

CRIMINAL APPEAL NO. OF 2026
(arising out of SLP(Crl.) No. 13443/2026)

O R D E R

1. **Leave granted.**

2. **The appellant, Laxmi Ray, is the complainant in P.S. Case/First Information Report (FIR) No. 154/2025 dated 26.05.2025 registered with Police Station – Khariar, District – Nuapada, Odisha, for offences punishable under Sections 296, 3(5), 308(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023. The said P.S. Case/FIR was registered by her alleging that the accused/respondent Nos. 2 to 4 came to her workplace on 15.05.2025 and demanded money by threatening to defame her.**

3. **The accused/respondent Nos. 2 to 4 approached the High Court of Odisha at Cuttack seeking anticipatory bail in relation to the aforestated FIR by way of ABLAPL No. 7215/2025. The said application was disposed of by the High Court, *vide* order dated**

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Reason:

05.08.2025, wherein the High Court noted that the accused had criminal antecedents of a similar nature and expressed disinclination to entertain their application for grant of pre-arrest bail.

4. **Surprisingly, having stated so, the High Court proceeded to direct the accused/respondent Nos. 2 to 4 to surrender before the learned Judicial Magistrate First Class[1], Khariar, in connection with the said case within one month and in the event of their surrendering and filing a motion for bail, the learned JMFC was directed to consider the same on merits during the first hour of that day. The High Court further directed that, in the event of rejection of the prayer for bail by the learned JMFC, the accused would be at liberty to move the higher forum for grant of bail during the second hour on the same day. Not stopping short at that, the High Court also directed the higher forum to make an endeavour to dispose of the bail application filed by the accused on the same day. The Case Diary was directed to be made available to the concerned Courts to facilitate disposal of the bail applications of the accused and the learned JMFC was called upon to transmit the case record to the higher forum at the earliest in the event of rejection of the bail application filed by the accused.**

5. **Acting upon these directions of the High Court, the accused approached the learned JMFC offering to surrender and seeking bail by way of their petition in C.T. Case No. 153/2025.**

1 "JMFC", for short

However, the learned JMFC rejected their bail petition by way of his order dated 16.12.2025.

6. **Taking a cue from the directions of the High Court, the accused then filed BLAPL No. 36/2025 before the learned Additional District and Sessions Judge[2], Khariar, seeking bail in relation to the aforestated FIR. The learned ADSJ allowed the bail application by way of order dated 16.12.2025.**

7. **The appellant, Laxmi Ray, filed the appeal arising out of SLP(Crl.) No. 10077/2026, assailing the order dated 05.08.2025 passed by the High Court, rejecting the anticipatory bail application filed by the accused but, in effect, opening the door for them to be granted regular bail. She, thereafter, filed the appeal arising out of SLP(Crl.) No. 13443/2026, challenging the order dated 16.12.2025 of the learned ADSJ in BLAPL No. 36/2025, granting regular bail to the accused.**

8. **We may note, at this stage, that the learned ADSJ referred to the order passed by the High Court on 05.08.2025 and opined that, though the accused had criminal antecedents, they were entitled to draw parity with a co-accused, who had already been released on bail. The learned ADSJ further noted that the accused were ready to cooperate during the investigation as well as the trial and, accordingly, granted them relief.**

9. **Having heard the learned counsel for the parties, we are of the opinion that the matter on hand beseeches interference by this Court. Having arrived at the conclusion that the accused were**

2 "ADSJ", for short

not entitled to grant of anticipatory bail, it was not for the High Court to then foretell the future course of action to be undertaken by them and issue directions in that regard. Not only did the High Court undertake such an exercise, but also fixed the time frame within which their application for relief to be filed by them had to be considered. In effect, the High Court left no discretion for either the learned JMFC or the learned ADSJ thereafter to independently assess the case with proper application of mind. That discretion stood curtailed by the positive directions of the High Court, which just stopped short of directing grant of bail straightaway to the accused. The directions of the High Court, therefore, exceeded the jurisdiction that the High Court was exercising in the context of the accused's anticipatory bail application.

10. **We are, therefore, of the opinion that the order dated 05.08.2025 passed by the High Court in ABLAPL No. 7215/2015 was wholly unsustainable and is liable to be set aside for the aforestated reasons. Further, as the accused/respondent Nos. 2 to 4 deemed it appropriate to act upon the directions of the High Court and secured relief from the learned ADSJ, the said order also cannot be sustained, as the foundation thereof was directions of the High Court. That order is also liable to be set aside.**

11. **Both the appeals are, accordingly, allowed, setting aside the order dated 05.08.2025 passed by the High Court and the order dated 16.12.2025 passed by the learned ADSJ.**

12. **The accused/respondent Nos. 2 to 4 would, however, be at liberty to surrender and seek regular bail before the appropriate forum in accordance with law. Any such application filed by them shall be considered on its own merits and in accordance with law, uninfluenced by the earlier trajectory of events and the present order.**

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

.....J.
(SANJAY KUMAR)

.....J.
(SANJEEV SACHDEVA)

NEW DELHI;
NOVEMBER 04, 2026.

ITEM NO.2 COURT NO.8 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.) No. 10077/2026

[Arising out of impugned final judgment and order dated 05-08-2025 in ABLAPL No. 7215/2025 passed by the High Court of Orissa at Cuttack]

LAXMI RAY Petitioner(s)

VERSUS

STATE OF ODISHA & ORS. Respondent(s)

WITH

SLP(Crl) No. 13443/2026 (II-B)
(IA No. 192745/2026 - CONDONATION OF DELAY IN FILING and IA No. 192748/2026 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 04-11-2026 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. Rahul Kaushik, Sr. Adv.
Mr. Ramendra Mohan Patnaik- 2136, AOR
Mr. Debabrata Dash, Adv.
Ms. Apoorva Sharma, Adv.
Ms. Komal Agarwal, Adv.
Mr. Tirth Kumar Sahu, Adv.

For Respondent(s) :
Mr. Naveen Kumar, AOR
Mr. Sudhanshu Pathak, Adv.
Ms. Isha Baloni, Adv.
Mr. Rishabh Chuadhary, Adv.
Ms. Pragya Prachi Pandey, Adv.
Mr. Prabhat Sejwar, Adv.
Ms. Shailja Singh, Adv.

Mr. Tejaswi Kumar Pradhan- 1756, AOR
Ms. Aditi Arya, Adv.

Ms. Mrinmayee Sahu- 1976, AOR
Mr. Jitin Chaturvedi, Adv.
Ms. Amruta Padhi, Adv.

UPON hearing the counsel, the Court made the following

O R D E R

Leave granted.

The appeals are allowed, in terms of the signed order.

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

(DEEPAK GUGLANI)
DEPUTY REGISTRAR

(PREETI SAXENA)
COURT MASTER (NSH)

(signed order is placed on the file)