

ITEM NO.1

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(s) for Special Leave to Appeal (Crl.) No(s). 14708/2026

[Arising out of impugned judgment and order dated 25-05-2026 in CRMBA No. 12359/2025 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

POOJA PAL

Petitioner(s)

VERSUS

INDRESH MAURYA & ANR.

Respondent(s)

IA No. 207251/2026 - EXEMPTION FROM FILING C/C OF I/JUDGMENT, IA No. 207253/2026 - EXEMPTION FROM FILING O.T., IA No. 207245/2026 - PERMISSION TO FILE ADDL.DOCS./FACTS/ANNEXURES

Date : 26-10-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) Mr. D.D. Tripathi, Adv.
Mr. Vishal Triwari, Adv.
Mr. S.P. Tripathi, Adv.
Mr. Jai Prakash Singh, Adv.
Mr. Sohail Singh, Adv.
Mr. Raj Kamal Singh, Adv.
Mr. Randhir Kumar Ojha- 2686, AOR

For Respondent(s) Mr. Ajay Vikram Singh- 2377, AOR
Mr. Kamlesh Kumar Maurya, Adv.
Ms. Priya Maurya, Adv.
Mr. Ravi Raj, Adv.
Mr. Rajat Kumar, Adv.
Mrs. Priyanka Singh, Adv.
Mr. M Aamir Faiyaz, Adv.
Mr. Rehan Khan, Adv.
Mr. Rahul Vikram Singh, Adv.

Mr. Rohit K. Singh- 1999, AOR
Mr. Yashveer Singh, Adv.
Mr. Kartikey Bansal, Adv.
Mr. Aviraj Pandey, Adv.

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

1. Heard Mr. D.D. Tripathi, learned counsel for the petitioner-complainant(sister of the deceased), Mr. Yashveer Singh, learned counsel for the State and Mr. Ajay Vikram Singh, learned counsel for the respondent no.1-Indresh Maurya.
2. The present petition calls in question the correctness of the order dated 25-05-2026 in Criminal Misc.Bail Application No. 12359/2025 passed by the High Court of Judicature at Allahabad, Lucknow Bench. By the said order, respondent no.1 has been granted bail in connection with FIR No.319/2025 registered with Masauli Police Station, District Barabanki, Uttar Pradesh, for the offences punishable under Sections 103(1), 351(3) and 238 of the Bharatiya Nyaya Sanhita, 2023(for short, 'BNS').
3. The petitioner-complainant before us, is the sister of deceased Vimlesh Pal. The aforesaid FIR No.319/2025 dated 30.07.2025 was registered against the respondent no.1.
4. On 31.07.2025/01.08.2025 the respondent no.1 who was the husband of the deceased was arrested. The concerned Trial Judge at Baranbaki, Uttar Pradesh, had dismissed the application for bail on 21.11.2025 and on approaching the High Court, the High Court had enlarged the respondent no.1 on bail on 25.05.2026.
5. The High Court has proceeded on the basis that on 20.05.2026, when the matter came up before the High Court, the High Court had asked the Government's counsel to produce the

general diary to confirm whether the deceased was on duty on 27th, 28th and 29th July 2025 or not? The learned A.G.A.appears and produce the general diary, in which it was shown that the deceased was on duty on 27th, 28th and 29th July 2025. On the basis of that, learned counsel for respondent no.1 before the High Court submitted that there might be the dead body of some other person, which may have been connected with the present case and the respondent no.1 has been wrongly made an accused in the case.

6. After considering the submissions and relying upon the general diary produced by the Government advocate which showed that the deceased was on duty on 27th, 28th and 29th July 2025 and after noticing that the postmortem report estimated the date of death as 3 to 4 days prior to the date of postmortem i.e. 30.07.2025. The High Court recorded the following in paragraph 11 of the impugned order:-

"11. Considering the submissions made by learned counsel for the parties and going through the record of the case, prima facie, it is found from the record, as well as from the General Diary produced by learned A.G.A, that the sister of the informant was on duty on 27th, 28th and 29th July 2025. As per the post-mortem report, the date of death has been shown as 3-4 days prior to the date of post-mortem, i.e., 30.07.2025. From the record it also appears that during those 3-4 days, the sister of the informant was on duty. Hence, it appears that the body of some other person has been connected with the present case. Thus, this this court is of the view that the applicant has made out a case for grant of bail."

7. Learned counsel for the petitioner-complainant (sister of the deceased) submits that the High Court has overlooked the fact that the deceased had died on approximately around 27.07.2025 and that inquiry had found that there was wrong entry in the general diary. Learned counsel prayed for setting aside the impugned order whereby granting bail to respondent no.1.

8. When the matter came up for hearing on previous occasion i.e. on 30.09.2026, we directed the learned counsel for the State to produce the inquiry report. Learned counsel for the State has placed on record the report, the thorough preliminary report as well as the three orders by which the penalty of censure were imposed on the three members/employees of the police department. It must be pointed out here that the deceased as well as respondent no.1 are members/employees of the police force/department and the three members/employees who stand censured were also working in the police department.

9. We have perused the report, the thorough preliminary report as well as the order of the disciplinary proceedings. The report is dated 02.08.2025 which is the first annexure (R-2/1) to the additional affidavit in IA No.309979/2026. This report was, by the Circle Officer, Haidergarh, Barabanki, Uttar Pradesh, given barely three days after the discovery of the body of the deceased. The said report is set out hereunder:-

".....It is respectfully submitted that upon my perusal of

the General Diary of Police Station Subeha, District Barabanki, it was found that on 27.07.2025, Head Moharrir Prem Prakash Yadav, vide Report No. 41 at 16:14 hrs, recorded the departure of W/C Vimlesh Pal for Mahadeva Mela duty at Police Station Ramnagar. Thereafter, on 28.07.2025, Head Moharrir Prem Chandra Saroj, vide Report No. 28 at 15:01 hrs, recorded the arrival of the aforementioned W/C Vimlesh Pal from the Mahadeva Mela law and order duty. On the same day, 28.07.2025, Head Moharrir Prem Prakash Yadav, vide Report No. 36 at 17:58 hrs, recorded the departure of W/C Vimlesh Pal for Majitha Mela duty to Police Station Satrikh, District Barabanki. Furthermore, on 29.07.2025, Head Moharrir Prem Prakash Yadav, vide Report No. 26 at 12:56 hrs, recorded the arrival of W/C Vimlesh Pal from the Majitha Mela. Whereas, the dead body of the said W/C Vimlesh Pal was found on 30.07.2025 within the jurisdiction of Police Station Masauli, District Barabanki. It has been proved that she was murdered on 27.07.2025. This proves that Head Constable Prem Prakash Yadav and Head Constable Prem Chandra Saroj recorded the arrival and departure of the said W/C Vimlesh Pal despite her not being physically present at the police station. This exhibits gross negligence and arbitrariness on the part of Head Constable Prem Prakash Yadav and Head Constable Prem Chandra Saroj, as well as lax supervision by Shri Krishna Kant Singh, Inspector In-Charge Subeha.

Therefore, this report is respectfully forwarded to you for necessary action regarding the lax supervision by Shri Krishna Kant Singh Inspector In-Charge Subeha and the negligent, wrongful recording of the arrival and departure of the deceased W/C Vimlesh Pal by Head Constable Prem Prakash Yadav and Head Constable Prem Chandra Saroj."

10. Thereafter, a detailed report dated 27.05.2026 was submitted by the Circle Officer, Sadar, Barabanki, Uttar Pradesh. No doubt this report is two days after the High Court pronounced the impugned order and the High Court did not have the benefit of this report. The report dated 02.08.2025 though available, was not placed by the prosecution before the High Court.

11. In the detailed inquiry report, the conclusion is recorded as under:-

"Conclusion: In the referred matter, upon perusal of the recorded statements of the concerned personnel and the was ascertained that the documentary records, it departure of Lady Constable (CP) Vimlesh Pal, PS Subeha, District Barabanki for peace and law and order duty at PS Ramnagar Mahadeva Mela on 27.07.2025 was recorded by Constable (CP) Mohit Kumar on the ID of HC (CP) Prem Prakash Yadav vide GD No. 46 at 17:27 hrs. On 28.07.2025, on the ID of HC (CP) Prem Prakash Yadav, PS Subeha, Barabanki, the arrival of Lady Constable Vimlesh Pal after completion of Mahadeva Mela peace and law and order duty was recorded by Constable (CP) Mohit Kumar vide GD No. 38 at 15:01 hrs. On 28.07.2025, on the ID of HC (CP) Prem Prakash Yadav, PS Subeha, Constable (CP) Mohit Kumar recorded her departure for peace and law and order duty at Mela Manjitha, PS Satrikh, Barabanki vide GD No. 36 at 17:58 hrs. On 29.07.2025 at 12:56 hrs, on the ID of HC (CP) Prem Prakash Yadav, PS Subeha, Barabanki, Constable (CP) Mohit Kumar of PS Subeha, District Barabanki recorded her arrival vide GD No. 26 at 12:56 hrs. The departure for and arrival from Mahadeva and Manjitha Melas for peace and law and order

duty ought to have been executed by HC (CP) Prem Prakash Yadav and Constable (CP) Mohit Kumar after physically verifying Lady Constable Vimlesh Pal at PS Subeha and establishing telephone contact, yet this was not done by HC (CP) Prem Prakash Yadav and Constable (CP) Mohit Kumar, PS Subeha. No inquiry was initiated by the said personnel regarding Lady Constable (CP) Vimlesh Pal and no reference was made while recording the night count GD Entry, nor was any report forwarded regarding the Lady the police station Constable's non-appearance premises/office whereas directives are periodically issued by higher officials during inspections of police stations stipulating that no arrival or departure entries shall be recorded without the physical presence of the personnel at the police station. The departure and arrival of Lady Constable (CP) Vimlesh Pal, PS Subeha, Barabanki were recorded by Head Moharrir Prem Prakash Yadav and Constable (CP) Mohit Kumar posted at the police station office without her ever being physically present at the PS Subeha office. Inspector Shri Krishnakant Singh, Inspector-in-Charge, PS Subeha, District Barabanki had departed from PS Subeha with the police contingent on 28.07.2025 for peace arrangement duty at Manjitha Mela, Satrikh. Inspector Shri Krishnakant Singh, Inspector-in-Charge Subeha, Barabanki ought to have conducted physical verification of the presence of all Head Constables/Constables/Lady Constables arriving from PS Subeha at Manjitha Mela, PS Satrikh during the said duty to definitively ascertain whether they had reported for duty from PS Subeha or not but Inspector Shri Krishnakant Singh, Inspector-in-Charge, PS Subeha, District Barabanki neglected to verify the police personnel (Head Constables/Constables/Lady Constables) assigned from PS Subeha at Manjitha Mela, PS Satrikh, Barabanki which

reflects the lax supervision of Inspector Shri Krishnakant Singh, the then Inspector-in-Charge Subeha, presently Inspector-in-Charge PS Kursi, Barabanki. Owing to his lax supervision, the arrival and departure entries of Lady Constable Vimlesh Pal continued to be made without her reporting to the police station/duty venue. The culpability of lax supervision is reflected upon Shri Krishnakant Singh, the then Inspector-in-Charge PS Subeha / presently Inspector-in-Charge PS Kursi, District Barabanki and the culpability of exercising negligence and arbitrariness toward official obligations is reflected upon HC (CP) Prem Prakash Yadav (PNO-990895684) and Constable (CP) Mohit Kumar (PNO-192110583) appointed at PS Subeha, District Barabanki."

12. Thereafter, show cause notices were issued to the members/employees concerned and each of them were censured and the order of censure was directed to be placed on record in the service record/character roll of the members/employees concerned.

13. As is clear from what is stated here and above, though the report dated 02.08.2025 was available, the same was not placed before the High Court. The High Court proceeded on the basis that the deceased was on duty 27th, 28th and 29th July 2025 and found a contradiction between the conclusion in the postmortem report of 30.07.2026 which estimated the death of the deceased to 3 to 4 days before the date of postmortem and the assumed fact of the deceased being on duty on 27th, 28th and 29th July 2025.

14. In the teeth of the reports that are available, it is

only fair and proper that the High Court has a fresh look in the matter.

15. Accordingly, we set aside the impugned order dated 25.05.2026 and remit the Criminal Misc.Bail Application No.12359/2025 to the file of the High Court for fresh consideration in accordance with law.

16. Respondent no.1, who is on bail since 25.05.2026, shall surrender before the concerned Court on or before 02.11.2026.

17. Needless to say that any observations made in the present order, will not come in the way of the High Court in independently considering the application for bail of respondent no.1. The High Court may dispose of the matter in accordance with law.

18. The Special Leave Petition is disposed of in the above terms.

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

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS

(NIKITA SINGH)
COURT MASTER (NSH)