

ITEM NO.2

COURT NO.12

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). 11922/2026

[Arising out of impugned judgment and order dated 30-10-2025 in CRMBA No. 36210/2025 passed by the High Court of Judicature at Allahabad]

SHAHMEENA NADEEM

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

IA No. 183013/2026 - EXEMPTION FROM FILING O.T., IA No.273942/2026-EXEMPTION FROM FILING O.T., IA No.319810/2026-EXEMPTION FROM FILING O.T.

Date : 15-10-2026 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. Raahul Trivedi, Adv.
Mrs. Priti Jignesh Joshi, Adv.
Mr. Riyaan Bhole, Adv.
Mr. Abhirup Sarkar, Adv.
Mr. Harsh Raj Singh, Adv.
Mr. Prabodh Kumar- 2406, AOR

For Respondent(s) Ms. Ruchira Goel- 2477, AOR

Mr. Vivek Singh- 1761, AOR
Ms. Saumya Saraswat, Adv.
Mr. Ayush Gupta, Adv.
Ms. Astha Agrawal, Adv.
Mr. Shailendra Kumar, Adv.
Mr. Vikas Bansal, Adv.
Mr. K.K.Sinha, Adv.

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

Signature Not Verified
Digitally signed by
NIRMALA NEGI
Date: 2026.10.15
18:10:21 IST
Reason: 

1. The present petition calls in question the correctness of the order dated 30-10-2025 in Criminal Misc.Bail Application No.36210/2025 passed by the High Court of Judicature at

Allahabad. By the said order, the High Court had enlarged the respondent no.2-accused on bail in connection with FIR/Case Crime No.90/2025 registered with Police Station Civil Lines, District Aligarh, Uttar Pradesh, for the offences punishable under Sections 2/3 of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 (for short, 'Gangsters Act')

2. We have heard Mr. Raahul Trivedi, learned counsel for the petitioner - *defacto* complainant, Ms. Ruchira Goel, learned counsel for the State and Mr. Vivek Singh, learned counsel for the respondent no.2-accused.

3. Learned counsel for the petitioner - *defacto* complainant contends that the High Court has totally overlooked the fact that there are nine criminal cases which are pending against the respondent no.2. Learned contends that the State of Uttar Pradesh in the counter affidavit filed in the matter has set out the nine criminal cases. However, nothing was brought to the notice of the High Court. The High Court has recorded that the AGA could not oppose the prayer for bail and could not point out any other case against the applicant(respondent no.2 herein) except the one shown against the Gang-chart.

4. Learned counsel for the State points to paragraph 6 of the counter affidavit wherein the following criminal history of the respondent no.2 has been set out:-

S.No.	Case Crime No.	Sections/Offences
1	306 of 2020	Sections 147, 148, 149 and 302 I.P.C.
2	188 of 2020	Sections 147, 148, 149, 323, 504, 506, 325 and 307 I.P.C.

3	607 of 2020	<i>Section 2/3 of the U.P.Gangsters and Anti-Social Activities (Prevention) Act</i>
4	719 of 2019	<i>Sections 147, 148, 149, 323 and 504 I.P.C. and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act</i>
5	13 of 2023	<i>Sections 323, 342, 376, 452, 506 and 34 I.P.C. and Sections 3/4 of the Protection of Children from Sexual Offences Act</i>
6	442 of 2022	<i>Sections 147, 323 and 506 I.P.C.</i>
7	334 of 2023	<i>Sections 120-B, 307 and 506 I.P.C. and Sections 3/25/27 of the Arms Act</i>
8	191 of 2020	<i>Sections 149, 150, 151, 188, 291 and 334 I.P.C.</i>
9	329 of 2024	<i>Sections 191(2), 191(3), 190, 109(1), 61(2), 103(1), 317(5) B.N.S. and 5/27(1) of the Arms Act</i>

5. Learned counsel for the respondent no.2-accused, on the other hand, submits that the impugned order is of 30.10.2025 whereby the respondent no.2 has already been enlarged on bail. Learned counsel also submits that in all the cases set out in the chart of counter affidavit, the respondent no.2 is on bail. Learned counsel submits that respondent no.2 has not indulged in the criminal act post the grant of bail by the High Court. Learned counsel further contended that though the impugned order recorded that the counsel appearing for respondent no.2 said that there was no criminal history of the respondent no.2, however, in the bail application, the criminal antecedents were set out.

6. Having considered the submissions of the learned counsel appearing for the parties, we are of the opinion that the impugned order cannot be sustained. The impugned order deserves to be aside.

7. The High Court has not been apprised of the criminal history of the respondent no.2.

8. The High Court has also been misled by the respondent no.2 during the arguments to the effect that there was no criminal history for the respondent no.2 except aforesaid Case Crime No.90/2025.

9. We refrain ourselves to make any further observations lest it prejudice the case of the respondent no.2.

10. We are of the opinion that in the above circumstances the interest of justice requires that the impugned order be set aside and the matter be remitted to the High Court for fresh consideration after looking into all the relevant material.

11. Accordingly, the prayer of the petitioner is allowed. We direct that the impugned order dated 30.10.2025 is set aside and the Criminal Misc.Bail Application No.36210/2025 be restored to the file of the High Court.

12. We are conscious that the respondent no.2 has been on bail since 30.10.2025. However, since the impugned order has been passed without adverting to any of the criminal history of the respondent no.2, we direct the respondent no.2 to surrender to the concerned Police Station/Court on or before 30.10.2026.

13. The High Court may make an endeavour to hear and dispose of the aforesaid bail application of the respondent no.2 at an early date.

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

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

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS

(NIKITA SINGH)
COURT MASTER (NSH)