IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(Arising out of SLP (Crl.) No.15873 of 2026)

STATE OF U.P. ….APPELLANT(S)

VERSUS

NAWAB SINGH YADAV ….RESPONDENT(S)

O R D E R

Leave granted.

2. Being aggrieved by order dated 16.12.2025 passed by the High Court of Judicature at Allahabad in Criminal Miscellaneous Bail Application No.38636/2025, the State of U.P. has preferred this appeal.

3. We have heard Shri S.V. Raju, learned A.S.G. appearing for the appellant/State of U.P. and Shri Shailesh Madiyal, learned senior counsel appearing for the respondent/accused and perused the material on record.

4. At the outset, learned A.S.G. pointed out that the respondent/accused has been convicted in respect of another offence and is undergoing sentence of eight years

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and has completed hardly one year of sentence. However, in the instant case, having regard to criminal antecedents of the respondent which are also noted by the High Court in the impugned order, namely, sixteen cases of acquittal or discharge and bail being granted to the accused in as many as ten cases and the present offence would totally make twenty six antecedents and this is the twenty seventh case. Thus, the High Court ought to have been cautious rather than citing the aforesaid instances as a ground for grant of bail in the present case. He also submitted that while in the earlier portion of the order, the High Court declined to go into the consideration of Section 19(4) of the U.P. Gangster and Anti Social Activities (Prevention) Act, 1986 (for short, "the Act") but in the reasoning portion, the High Court has stated that Section 19(4) of the Act has also been taken into consideration and without expressing any opinion on the merits of the case has granted the relief of bail. He submitted that the invocation of the Act in the instant case *vis-à-vis* the respondent/accused herein is just and proper and hence bearing in mind the totality of the facts and circumstances, this is a fit case where the High Court ought to have declined grant of bail. On

the other hand, the High Court has taken into consideration the totality of the facts and circumstances and has granted the relief of bail. He therefore, submitted that the impugned order may be set aside and the appeal may be allowed.

5. *Per contra*, learned senior counsel for the respondent/accused vehemently contended that the High Court is justified in granting the relief of bail to the appellant herein. Firstly, the invocation of the Act *vis-à-vis* the appellant herein is not just and proper. Even otherwise, the High Court has taken note of the fact that the respondent herein has been granted bail in as many as ten cases and has been acquitted or discharged in as many as sixteen cases; that the appellant/State has the propensity of invoking the Act against the very same persons without there being any rhyme or reason, the present case is one such instance. The High Court has noted this aspect of the matter and has rightly granted relief to the appellant. He further submitted that another co-accused Veerpal @ Nilu was granted bail by the High Court and this Court vide order dated 17.08.2026 passed in SLP (Crl.) D. No.26801/2026 has dismissed the

Special Leave Petition. Hence, on the principle of parity the impugned order may not be interfered with.

6. In response to this submission, learned A.S.G contended that Veerpal @ Nilu is only a member of the Gang whereas the respondent herein is the leader of the Gang and therefore, the principle of parity cannot at all be invoked in the present case and hence the appeal may be allowed.

7. We have considered the arguments advanced at the Bar and the material on record as well as the reasoning adopted by the High Court in granting relief.

8. On a consideration of the impugned order, we find that the order suffers from contraction and infirmity inasmuch as in the first instance the High Court has stated that it will not consider the controversy from the point of view of Section 19(4) of the Act but in the operative portion of the impugned Judgment of the High Court has stated that the such provision has also been taken into consideration and the respondent is entitled to the relief of bail. The criminal antecedents of the respondent/accused, namely, sixteen cases of the acquittal or discharge and ten cases where a bail has

been granted to him has been considered to be a positive and affirmative aspect of the case and therefore, we find that the said perception or the High Court is wholly erroneous. The criminal antecedents of the accused ought to have cautioned the High Court while considering whether the respondent was entitled to the relief of bail. We find that the High Court has mis-directed itself while granting the relief of bail to the respondent/accused in the instant case. Hence, we find it just and proper to set aside the impugned order and allow the appeal. Consequently, the bail granted by the High Court on 16.12.2025 stands cancelled.

9. We note that the respondent/accused is in jail as a convict undergoing sentence. However, this order may be noted by the competent authorities.

The appeal is accordingly allowed.

……J.
[B.V. NAGARATHNA]

……J.
[R. MAHADEVAN]

NEW DELHI
NOVEMBER 03, 2026.

ITEM NO.1 COURT NO.3 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 for Special Leave to Appeal (Crl.) No. 15873/2026
[Arising out of impugned final judgment and order dated 16-12-2025 in CRMBA No. 38636/2025 passed by the High Court of Judicature at Allahabad]

STATE OF U.P. Petitioner(s)

VERSUS

NAWAB SINGH YADAV Respondent(s)

IA No. 239744/2026 - EXEMPTION FROM FILING O.T., IA No. 239743/ 2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ANNEXURES, IA No. 248303/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 03-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :Mr. S.V. Raju, A.S.G.
Mr. Yasharth Kant- 2992, AOR
Ms. Tanvi Saran, Adv.
Ms. Sonal Kushwah, Adv.
Mr. Aaryan Bansal, Adv.
Mr. Samrat Goswami, Adv.
Mr. Abhinav Sharma, Adv.

For Respondent(s) :Mr. Shailesh Madiyal, Sr. Adv.
Mr. Anuroop Chakravarti, Adv.
Ms. Nida Khan Salim, Adv.
Mr. M.s.vishnu Sankar, Adv.
Mr. Aryan Shankar, Adv.
Mr. Hardik Singh, Adv.
M/s Lawfic- 2843, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA) (DIVYA BABBAR)
DEPUTY REGISTRAR COURT MASTER (NSH)
(signed order is placed on the file)