[2025] 7 S.C.R. 1330 : 2025 INSC 877

Victim 'X'
v.
State of Bihar and Anr.

(Criminal Appeal No. 3090 of 2025)

21 July 2025

[Vikram Nath and Sandeep Mehta,* JJ.]

Issue for Consideration

Allegations of torture and sexual exploitation against the respondent no.2-accused. She was granted bail by the High Court. Whether the grant of bail to the respondent no.2-accused has resulted into travesty of justice.

Headnotes†

Penal Code, 1860 – ss.341, 323, 328, 376, 120-B r/w. s.34 – Immoral Traffic (Prevention) Act, 1956 – s.3 and s.4 – Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 – s.3(1)(w), s.3(2)(va) and s.15A(3) – The prosecution case as against respondent no.2 was that she while being posted as the Superintendent of the Uttar Raksha Grih indulged in administering intoxicating medicines and injections to the appellant-victim and other female inmates of the protection home, who were later on subjected to sexual exploitation and mental torture – The FIR in the instant case came to be based on the intervention of the High Court – The application for bail filed by respondent no.2 came to be rejected by the Exclusive Special Court (SC/ST Act) – However, in an appeal before the High Court, the appellant-victim was not impleaded as a party, and bail was granted to the accused (respondent no.2) – Correctness:

Held: The impugned order could have been quashed on the solitary ground of non-compliance of s.15A(3) of the SC/ST Act which mandates that notice to a victim is essential before a prayer for bail is being considered, in a case where the offence/s under the SC/ST Act have been applied – This Court is of the firm opinion that the present case is an exceptional one, wherein the grant of bail

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by the High Court to respondent No.2-accused by a cryptic order dated 18.01.2024 has resulted into travesty of justice – Grant of bail to the person accused of such grave offences without assigning reasons shakes the conscience of the Court and would have an adverse impact on the society – The Courts are not powerless and are expected to exercise jurisdiction conferred by law to cancel such bail orders so as to subserve the ends of justice – In the instant case, the release of the accused on bail would adversely impact the trial as there would be high chances of the material witnesses being threatened and influenced – The conclusions are fortified by the fact that respondent no.2-accused has been reinstated to the position of Superintendent of another protection home which speaks volumes about her clout and influence with the administration – Consequently, it is a fit case, warranting exercise of this Court's extraordinary jurisdiction u/Art.136 of the Constitution of India so as to interfere in the impugned order dated 18.01.2024 which is hereby quashed and set aside – The bail granted to respondent no.2-accused is hereby cancelled. [Paras 25, 27, 28, 29]

Case Law Cited

Shabeen Ahmad v. The State of Uttar Pradesh & Anr. **[2025] 3 SCR 367 : (2025) 4 SCC 172;** *Ajwar v. Waseem* **[2024] 5 SCR 575 : (2024) 10 SCC 768 – relied on.**

List of Acts

Penal Code, 1860; Immoral Traffic (Prevention) Act, 1956; Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

List of Keywords

Torture; Sexual exploitation; Bail; Justice; Cancellation of bail; Perverse order of bail.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 3090 of 2025

From the Judgment and Order dated 18.01.2024 of the High Court of Judicature at Patna in CRLA(SJ) No. 3765 of 2023

Appearances for Parties

Advs. for the Appellant:
Dr. Vinod Kumar Tewari, Raunak Parekh, Ms. Minu Kumari, Pramod Tiwari, Vivek Tiwari, Piyush Sardana, Amit Bhardwaj, Ms. Priyanka Dubey.

Advs. for the Respondents:
Samir Ali Khan, Pranjal Sharma, Kashif Khan, Neeraj Kumar Gupta, Ranjeet Kumar Singh, Akshaya Agrawal.

Judgment / Order of the Supreme Court

Judgment

Mehta, J.

1. Heard.

2. Leave granted.

3. This appeal by special leave emanates from the order dated 18th January, 2024, passed by the learned Single Judge of the High Court of Judicature at Patna[1] whereby, the appeal preferred by respondent No.2-accused[2] under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989[3] was allowed and she was granted bail in connection with Mahila P.S. Case No. 17 of 2022 registered for the offences punishable under Sections 341, 323, 328, 376, 120-B read with Section 34 of the Indian Penal Code, 1860[4] and Sections 3/4 of the Immoral Traffic (Prevention) Act, 1956[5] and Sections 3(1)(w)/3(2)(va) of the SC/ST Act. The appellant-victim herein is the informant in the said FIR.

4. The prosecution case as against respondent No.2 is that she while being posted as the Superintendent of the Uttar Raksha Grih, Gaighat, Patna indulged in administering intoxicating medicines and injections to the appellant-victim and other female inmates

1 Hereinafter referred to as the "High Court".

2 Hereinafter referred to as the "respondent No.2".

3 Hereinafter referred to as the "SC/ST Act".

4 Hereinafter referred to as the "IPC".

5 Hereinafter referred to as the "IT Act".

of the protection home, who were later on subjected to sexual exploitation and mental torture. Grave allegations are attributed to the respondent-accused that she used to send the ladies housed in the protection home, outside for the purpose of providing sexual favours to influential people. The FIR in the instant case came to be based on the intervention of the High Court which took cognizance of a newspaper report narrating the ordeals faced by the females kept in the protection home. The investigation was also monitored by the High Court.

5. It may be noted that during the course of investigation, few more ladies in addition to the appellant herein made allegations of torture and sexual exploitation against respondent No.2.

6. The application for bail filed by respondent No.2 came to be rejected by the learned Exclusive Special Court (SC/ST Act), Patna[6] *vide* order dated 10th July, 2023. Respondent No.2 preferred an appeal under Section 14(A)(2) of the SC/ST Act before the High Court, assailing the order passed by the Special Court.

7. In the meanwhile, chargesheet came to be filed against respondent No.2 in the Special Court which took cognizance of the offences punishable under Sections 341, 342, 323, 328, 376, 120B, 504, 506 of the IPC, Sections 3/4 of the IT Act and Section 3(1)(w)/3(2)(va) of the SC/ST Act *vide* order dated 29th August, 2023.

8. It may be noted that in the appeal before the High Court, the appellant-victim was not impleaded as a party, and bail was granted to the accused (respondent No.2) in clear violation of the mandate under Section 15A(3) of the SC/ST Act which makes hearing of the victim in any prayer for bail essential. The High Court, *vide* order dated 18th January, 2024, allowed the appeal filed by respondent No.2 and granted her bail with the following reasoning: -

> "**7.** Having heard learned counsel for the parties and taking into consideration that there is no specific allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 10.07.2023 is hereby set aside."

6 Hereinafter referred to as the "Special Court".

9. The appellant-victim is before us through this appeal by special leave to assail the order passed by the High Court.

10. We have heard and considered the submissions advanced by learned counsel for the appellant-victim, learned counsel representing respondent No.2-accused and the learned standing counsel representing the State of Bihar.

11. Learned counsel for the appellant-victim vehemently and fervently contended that the High Court granted bail to respondent No.2 by a cryptic order without assigning any reasons whatsoever and totally ignoring the critical fact that respondent No.2 being the Superintendent of the women protection home was a person in authority, who misused her position to exploit the helpless female inmates of the institution and deliberately orchestrated their sexual exploitation by various influential persons. Numerous women inmates have made grave allegations in their statements recorded under Section 164 of the Code of Criminal Procedure, 1973, stating that they were sent out of the institution for providing sexual gratification to outsiders and those who resisted, were injected with intoxicants and under the influence thereof, they were subjected to sexual exploitation by different men.

12. It was further contended that unidentified men were allowed access into the protection home where they would take advantage of the helpless condition of the victims so as to gain sexual favours.

13. He further pointed out that pursuant to the release of respondent No.2 on bail, she has been reinstated in service, and she is heading another protection home within the State of Bihar. As per the learned counsel, this approach of the State authorities in allowing respondent No.2 to continue functioning as a person in-charge of the protection home, despite there being allegations of misuse of power to facilitate sexual exploitation of female inmates would imminently expose the inmates to a grave risk of being subjected to sexual exploitation. He submitted that it is apparent that the concerned authorities of the State Government are hands in glove with the accused and have no intention of punishing respondent No.2 for her recalcitrant conduct. Rather she has been rewarded with a fresh tenure in an identical protection home where she had earlier committed the atrocities on the female inmates.

14. Learned counsel further submitted that in case, respondent No.2 is allowed to remain on bail, there is an imminent danger of her

influencing the witnesses and frustrating the trial. He pointed out that as a matter of fact, numerous threats have already been given to the witnesses of this case and hence, the continuance of respondent No.2 on bail would be detrimental to a fair trial.

15. On these grounds and looking to the gravity and nature of allegations, learned counsel for the appellant implored the Court to exercise its extraordinary jurisdiction under Article 136 of the Constitution of India so as to cancel the bail granted to respondent No.2.

16. Learned standing counsel representing respondent No.1-State of Bihar supported the submissions advanced by learned counsel for the appellant-victim. He contended that after thorough investigation, grave allegations of misuse of official position to exploit the helpless and destitute female inmates housed in the protection home have been substantiated. Respondent No.2 being a person in authority shall definitely influence the fair trial of the case and there is imminent threat to the life and limb of the victim ladies, if respondent No.2 is allowed to continue on bail during the pendency of the trial. However, on a pertinent query being posed, learned standing counsel was not in a position to explain the conduct of the State authorities in reinstating respondent No.2-accused and putting her in charge of another women's home in spite of the fact that she is facing a prosecution for abuse of powers and sexual exploitation while working in a similar institution.

17. Learned counsel representing respondent No.2-accused strenuously tried to justify the impugned order. He urged that the High Court, while considering the bail application has taken note of the material available on record and rightly found that there are no specific allegations against respondent No.2 in the prosecution evidence and thereafter, a reasoned order has been passed directing release of respondent No.2 on bail. He urged that respondent No.2 being a woman had languished in custody for almost 500 days, since 27th August, 2022 and this was the most vital factor which weighed with the High Court in favour of grant of bail. He urged that detailed discussion of evidence at the stage of deciding the bail application may prejudice the trial and hence, it would not be fair to say that the High Court has not adverted to the merits of the case.

18. He urged that respondent No.2 being a woman is entitled to a special consideration for grant of bail and as such, this Court should be

slow in interfering with the order passed by the High Court directing release of respondent No.2 on bail.

19. We have given our thoughtful consideration to the submissions advanced at the bar and have gone through the impugned order and the material placed on record.

20. At the outset, we may like to note that the allegations attributed to respondent No.2 shake the conscience of the Court. Respondent No.2 being posted as the Officer in-charge of the women's protection home was required to work as a protector of the inmates, but she turned rogue and indulged in sexual exploitation of the helpless and destitute women who had been placed in the said protection home which is an institution created to provide them safety and security.

21. Thus, it is clearly a case, wherein the person put in the role of a saviour has turned into a devil.

22. Not only are the allegations attributed to respondent No. 2-accused are grave and reprehensible in nature, in addition thereto, the fact remains that releasing respondent No. 2 on bail is bound to have an adverse effect on trial because there would be an imminent possibility of the witnesses being threatened.

23. Recently, this Court in the case of ***Shabeen Ahmad v. The State of Uttar Pradesh & Anr.***[7] while placing reliance upon the case of ***Ajwar v. Waseem***[8] cancelled the bail granted to the accused in a dowry death case observing as follows:

> "**18**.... A superficial application of bail parameters not only undermines the gravity of the offence itself but also risks weakening public faith in the judiciary's resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalizing a crime that continues to claim numerous innocent lives. These observations regarding grant of bail in grievous crimes were thoroughly dealt with by this Court in Ajwar v. Waseem in the following paras:

7 (2025) 4 SCC 172.

8 (2024) 10 SCC 768.

"26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer : Chaman Lal v. State of U.P. [Chaman Lal v. State of U.P., [(2004) 7 SCC 525]; Kalyan Chandra Sarkar v. Rajesh Ranjan [(2004) 7 SCC 528]; Masroor v. State of U.P. [(2009) 14 SCC 286]; Prasanta Kumar Sarkar v. Ashis Chatterjee [(2010) 14 SCC 496]; Neeru Yadav v. State of U.P. [(2014) 16 SCC 508]; Anil Kumar Yadav v. State (NCT of Delhi) [(2018) 12 SCC 129]; Mahipal v. Rajesh Kumar [(2020) 2 SCC 118].

27. **It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior court.** If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order. In P v. State

of M.P. [(2022) 15 SCC 211] decided by a three-Judge Bench of this Court [authored by one of us (Hima Kohli, J.)] has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under Section 439(1)CrPC in the following words : (SCC p. 224, para 24)

> "24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [Dolat Ram v. State of Haryana, (1995) 1 SCC 349] . **To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court.**"

Considerations for setting aside bail orders

28. The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial,

> any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. **Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused."**
>
> **(Emphasis Supplied)**

24. It is trite that bail once granted should not be cancelled ordinarily, but where the facts are so grave that they shake the conscience of the Court; and where the release of the accused on bail would have an adverse impact on the society, the Courts are not powerless and are expected to exercise jurisdiction conferred by law to cancel such bail orders so as to subserve the ends of justice. The present one is precisely a case of such nature.

25. We may note that the impugned order could have been quashed on the solitary ground of non-compliance of Section 15A(3) of the SC/ST Act which mandates that notice to a victim is essential before a prayer for bail is being considered, in a case where the offence/s under the SC/ST Act have been applied.

26. On going through the memo of appeal filed by the respondent-accused in the High Court, we find that the appellant-victim was not impleaded as a party respondent therein and hence, did not have the benefit of right of hearing as warranted by Section 15A(3) of the SC/ST Act.

27. Furthermore, keeping in view the principles laid down by this Court in ***Shabeen Ahmad*** *(supra)*, we are of the firm opinion that the present case is an exceptional one, wherein the grant of bail by the High Court to respondent No.2-accused by a cryptic order dated 18th January, 2024 has resulted into travesty of justice. Grant of bail to the person accused of such grave offences without assigning reasons shakes the conscience of the Court and would have an adverse impact on

the society. Furthermore, the release of the accused on bail would adversely impact the trial as there would be high chances of the material witnesses being threatened and influenced. Our conclusions are fortified by the fact that respondent No.2-accused has been reinstated to the position of Superintendent of another protection home which speaks volumes about her clout and influence with the administration.

28. Consequently, it is a fit case, warranting exercise of this Court's extraordinary jurisdiction under Article 136 of the Constitution of India so as to interfere in the impugned order dated 18th January, 2024 which is hereby quashed and set aside.

29. The bail granted to respondent No.2-accused is hereby cancelled. She shall surrender before the trial Court within a period of four weeks from today, failing which, the trial Court shall cancel her bail bonds and ensure that she is taken into custody for the remainder of trial. The trial Court and the District administration shall ensure that proper protection and support is provided to the victims of the case. In case there is any change of circumstances, respondent No.2-accused shall be at liberty to renew her prayer of bail before the appropriate forum.

30. The appeal is allowed in the above terms.

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

Result of the case: Appeal allowed.

†*Headnotes prepared by:* Ankit Gyan