

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

MISCELLANEOUS APPLICATION NO(S). OF 2026
(Arising out of Diary No.11618 of 2026)

**IN
CRIMINAL APPEAL NO.2440 OF 2025**

SARVESH KUMAR

APPLICANT(S)

VERSUS

THE STATE OF U.P & ORS.

RESPONDENT(S)

O R D E R

1. Delay condoned.
2. This application has been filed in view of the petitioner seeking clarification/direction in the order and judgment dated 06.05.2025 to accept bail bonds.
3. This Court while granting the prayer sought had taken note of the fact that the FIR No.352/2024 dated 12.11.2024 was registered in Police Station - Jankipuram, District - Lucknow, Uttar Pradesh for the offences punishable under

Sections 64(1), 352 and 351(2) of Bharatiya Nyay Sanhita, 2023.

4. After taking note of the fact that the charge sheet had been filed and the petitioner had cooperated with the investigation, this Court had also opined that in the light of the said development, there was no necessity for custodial interrogation. The FIR which came to be registered was only for the offences noted herein above.

5. The charge sheet which was placed on record by the learned Government Advocate though available on record for reasons best known it was not brought to the notice of this Court.

6. The learned counsel appearing for the petitioner pleads his ignorance and submits that it was not intentional. This Court would not be in a position to discreet the intention of the learned Counsel for the parties except going by the records.

7. Be that as it may.

8. The fact that the FIR was registered more

than 7 years after the alleged incident, which is seriously disputed by the learned counsel for the complainant who is respondent no.2 herein. The fact remains that the charge sheet has been filed or in other words, investigation has been concluded. This Court had enlarged the petitioner of anticipatory bail way back on 06.05.2025. On account of Sections 5 and 6 of the POCSO Act and Section 67 of the Information Technology (Amendment) Act, 2008, which has been invoked after completion of investigation and filing of charge-sheet, has been inadvertently left out.

9. Hence, we make it clear that in the event of arrest of the petitioner in connection with case Crime No.352 of 2024 dated 12.11.2024 registered at Police Station Jankipuram, District Lucknow, Uttar Pradesh for the offences punishable under Sections 352, 351(2), 65(1) of BNS, 2023, Sections 5 and 6 of POCSO Act and Section 67 of IT Act shall be released on bail as already ordered on 06.05.2025.

10. Accordingly this application stands disposed
of.

.....J.
(ARAVIND KUMAR)

.....J.
(PRASANNA B. VARALE)

NEW DELHI;
APRIL 20, 2026.

ITEM NO.10

COURT NO.14

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No.1319/2026 in CrI.A. No.2440/2025

[Arising out of impugned final judgment and order dated 06-05-2025 in CrI.A. No. No. 2440/2025 passed by the Supreme Court of India]

SARVESH KUMAR

Petitioner(s)

VERSUS

STATE OF U.P & ORS.

Respondent(s)

[IA No. 62214/2026 - CLARIFICATION/DIRECTION
IA No. 91452/2026 - CONDONATION OF DELAY IN FILING]

Date : 20-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) :Mr. Chandan Kumar Singh, Adv.
Mr. Rohit Pandey, Adv.
Mr. Manish Kumar Gupta, Adv.
Mr. Rishesh Sikarwar, Adv.
Mr. Ramesh Kumar Tiwari, Adv.
Ms. Harshita, Adv.
Mr. Pankaj Sharma, AOR

For Respondent(s) :Mr. Shaurya Sahay, AOR
Mr. Aman Jaiswal, Adv.
Ms. Sharvi Sharma, Adv.
Mr. Ashish Singh, Adv.
Mr. Prathvi Raj Chauhan, AOR
Mr. Ram Lok Singh Chauhan, Adv.

Mr. Sachin Singh, Adv.
Mr. Neetesh, Adv.
Mr. Diwas Kumar, Adv.

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

The miscellaneous application stands disposed of
in terms of the signed order.

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

(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT

(AVGV RAMU)
COURT MASTER (NSH)

{signed order is placed on file}