

ITEM NO.59

COURT NO.7

SECTION II-C

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

Petition(s) for Special Leave to Appeal (Crl.) No(s).5100/2026

[Arising out of impugned final judgment and order dated 25-02-2026 in CRLP(MD) No. 15551/2025 passed by the High Court of Judicature at Madras at Madurai]

J. KRISHNAN

Petitioner(s)

VERSUS

STATE OF TAMILNADU

Respondent(s)

IA No. 87750/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 87748/2026 - EXEMPTION FROM FILING O.T.

Date : 23-03-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) : Mr. Manoj Kumar A., Adv.
Mr. L.K. Charles Alexander, Adv.
Mr. Vinayaga Vignesh I, Adv.
Mr. Nayan Nischal, Adv.
Mr. Vairawan A.S, AOR

For Respondent(s) : Mr. Sabarish Subramanian, AOR
Mr. Vishnu Unnikrishnan, Adv.

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

1. The petitioner prayed for anticipatory bail before the High Court in connection with the First Information Report No.28/2025 registered with DCB Police Station, District Theni for the offence punishable under Sections 316(2), 318(4) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (for short, "the

BNS, 2023").

2. While granting anticipatory bail, the High Court imposed a condition of deposit of Rs.10,00,000/- (Rupees Ten Lakh only). The condition reads thus:-

"6. xxx

(b) the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only), to the credit of Crime No.28 of 2025 before the learned Judicial magistrate, Periyakulam. After receipt of entire amount, the learned Judicial Magistrate, shall deposit the said amount in an interest bearing Fixed Deposit in any Nationalized Bank initially for a period of one year and renew them periodically until the final order/Judgment is passed in the case in Crime No.28/2025. The learned Judicial Magistrate or Trial Court shall pass orders regarding entitlement of the said amount in its final order/Judgment."

3. The petitioner, being dissatisfied with imposition of such a condition referred to above is here before us with the present petition.

4. We heard Mr. Manoj Kumar, the learned counsel appearing for the petitioner and Mr. Sabarish Subramanian, the learned counsel appearing for the State.

5. If the High Court was convinced that a case had been made out for grant of anticipatory bail, then there was no good reason for the High Court to impose condition of depositing of rupees ten lakh.

6. It appears that the attention of the High Court was not drawn to a recent pronouncement of this Court in the Case of "*Gajanan Dattatray Gore vs. The State of Maharashtra & Anr.*"

in Criminal Appeal No.3219/2025 decided on 28.07.2025 wherein this Court observed in Paras 20 to 24, respectively as under:-

"20. The High Courts as well as the Trial Courts shall decide the plea for regular bail or anticipatory bail strictly on the merits of the case. The High Courts and the Trial Courts shall not exercise their discretion in this regard on any undertaking or any statement that the accused may be ready and willing to make.

21. This practice has to be stopped. Litigants are taking the courts for a ride and thereby undermining the dignity and honor of the court.

22. We hope and trust that the High Courts as well as the Trial Courts across the country do not commit the same mistake again.

23. In the case in hand, so far as the plea for regular bail is concerned, we are not inclined to look into. The appellant has made a mockery of justice. He could be said to have abused the process of law. If at all the High Court wanted to release the appellant on bail, it should have first asked him to deposit the amount within a particular period of time and upon such deposit the appellant could have been released.

24. Be that as it may, now we have made ourselves very clear that there shall not be a single order that the High Courts and the Trial Courts shall pass for grant of regular bail or anticipatory bail on the basis of any accused or his/her family members giving an undertaking to deposit a particular amount. The plea shall be decided strictly on merits in accordance with law. If the case is made out on merits the court may exercise its discretion and if no case is made out on merits the court shall reject the plea for regular bail or anticipatory bail as the case may be. However, in any circumstances the High Courts or trial courts shall not pass a conditional order of regular bail or anticipatory bail."

7. In view of the aforesaid, the condition at para no.6 (b) imposed by the High Court stands set aside.

8. The impugned order passed by the High Court is modified to the extent indicated above. Rest of the order shall operate.

9. The Special Leave Petition stands disposed of accordingly.

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

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)