

2026 LiveLaw (SC) 131

IN THE SUPREME COURT OF INDIA

J.B. PARDIWALA; J., K.V. VISWANATHAN; J.

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.4297/2026; 03-02-2026

PRANTIK KUMAR & ANR. versus THE STATE OF JHARKHAND & ANR.

Anticipatory Bail – Conditional Orders for Deposit: The Supreme Court criticized the Jharkhand High Court for making the grant of anticipatory bail contingent upon the deposit of a specific sum – Noted that High Court had directed the petitioners to file a supplementary affidavit showing payment of Rs. 9,12,926.84/- to the complainant, failing which the bail application would stand dismissed - Held, that the grant of regular or anticipatory bail should not be subject to the deposit of any amount - If a case for bail is made out, the court should pass an appropriate order; if not, it may decline - the court should not pass a conditional order for deposit and then exercise its discretion. *[Relied on: Gajanan Dattatray Gore vs. State of Maharashtra & Another [(2025) SCC Online 1571; Paras 8 - 10]*

[Arising out of impugned final judgment and order dated 13-01-2025 in ABA No. 10141/2023 and order dated 14-11-2025 in CRMP No. 676/2025 passed by the High Court of Jharkhand at Ranchi]

For Petitioner(s): Mr. Amit Pai, Adv. Ms. Avantika Chaudhary, Adv. Mr. Parijat Chandan, Adv. Mr. Abhinav Gupta, Adv. Mr. Nitesh Ranjan, AOR

ORDER

1. Delay condoned.
2. Exemption Applications are allowed.
3. The petitioners father and son respectively have been denied anticipatory bail by the High Court of Jharkhand in connection with the First Information Report No.0184 dated 10-6-2023 registered with Adityapur Police Station, State of Jharkhand, for the offence punishable under Sections 406, 420, 504, 506, 120B read with Section 34 of the Indian Penal Code (for short, the “IPC”) respectively.
4. The case of the first informant is plain and simple. He claims to be a unpaid seller. There was a business transaction between the first informant and the accused persons in connection with purchase of craft papers. According to the first informant, an amount of Rs.9,00,000/- and odd remains due and payable by the petitioners towards the business transaction. In such circumstances, the FIR came to be lodged for the offence of cheating etc.
5. The petitioners apprehending arrest in connection with the First Information Report, referred to above, prayed for anticipatory bail first before the Sessions Court. As the Sessions Court declined, they went before the High Court. The High Court has passed two very unusual orders and that too being oblivious of a direct Judgment of this Court in “*Gajanan Dattatray Gore vs. State of Maharashtra & Another*” Reported in (2025) SCC Online 1571.
6. The first order passed by the High Court dated 13-1-2025 reads thus: -
“Heard the parties.

Learned counsel for the petitioners submits that the petitioners will file a supplementary affidavit showing payment of Rs.9,12,926.84/- to the complainant-opposite party no.2.

List this anticipatory bail application after filing of the said supplementary affidavit.

It is made clear that, if the said supplementary affidavit is not filed within two weeks from the date of this order, this anticipatory bail application shall stand dismissed without further reference to the Bench.”

7. The second order passed by the High Court dated 14-11-2025 reads thus: -

“Heard the parties.

Learned counsel for the petitioners prays for time to file a supplementary affidavit showing proof of payment of Rs.9,12,926.84/- to the complainant-opposite party no.2.

List this Cr.MP. after filing of the said affidavit.

It is made clear that if the said affidavit is not filed within four weeks from the date of this order, then this Cr.M.P. shall stand dismissed without further reference to the Bench.”

8. It is very unfortunate that despite this Court saying in so many words that grant of regular bail or the anticipatory bail should not be subject to deposit of any amount, the High Court has said that the petitioners should deposit the balance amount of Rs.9,12,926.84.

9. In our Judgment, referred to above, we made ourselves very clear that if a case for grant of bail or anticipatory bail is made out, then the Court should proceed to pass an appropriate order and if not made out, the Court may decline, however, Court should not pass a conditional order of deposit of a particular amount and then exercise its discretion.

10. In the facts and circumstances of this case, we direct that in the event of arrest of the petitioners in connection with the FIR, referred to above, they shall be released on bail, subject to terms and conditions that the Investigating Officer may deem fit to impose. Once the petitioners are released on bail, they shall thereafter appear before the concerned Court and furnish bail.

11. The Registry shall forward one copy of this order to the Registrar General of the High Court of Jharkhand, who in turn shall place this order before Hon’ble the Chief Justice of the High Court.

12. With the aforesaid, the Special Leave Petitions are disposed of.

13. Pending applications, if any, also stand disposed of.

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